NATIONAL ARCHIVES OF INDIA

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OF

THE ACTS

OF

THE INDIAN LEGISLATURE AND OF THE GOVERNOR GENERAL

FOR THE YEAR

1922. and 1923

EE:N-54

GOVERNMENT OF INDIA LEGISLATIVE DEPARTMENT
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NATIONAL ARCHIVES OF INDIA

TITLES OF ACTS

OF

THE INDIAN LEGISLATURE AND OF THE GOVERNOR GENERAL

FOR THE YEAR 1922.

I. An Act further to amend the Indian Electricity Act, 1910.

II. ,, further to amend the Indian Factories Act, 1911.

III. ,, to amend the Benares Hindu University Act, 1915.

IV. ,, to repeal certain special enactments supplementing the ordinary Criminal Law.

V. ,, to repeal certain provisions of the Indian Criminal Law Amendment Act, 1908.

VI. ,, further to amend the Indian Lunacy Act, 1912.

VII. ,, to amend the law relating to Emigration.

VIII. ,, to establish and incorporate a unitary teaching and residential University at Delhi.

IX. ,, further to amend the Provincial Small Cause Courts Act, 1887, and the Code of Civil Procedure, 1908, in order to provide for the award of costs by way of compensation in respect of false or vexatious claims or defences in civil suits or proceedings.

X. ,, further to amend the Indian Limitation Act, 1908.

XI. ,, to consolidate and amend the law relating to Income-tax and Super-tax.

XII. ,, to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, further to amend the Indian Tariff Act, 1894, and the Indian Post Office Act, 1898, to amend the Indian Paper Currency (Amendment) Act, 1920, to impose an excise duty on kerosene, to fix rates of income-tax and to abolish the freight-tax.

XIII. ,, to provide for the incorporation of Trustees for the European Hospital for mental diseases at Ranchi, and to make provision for other matters in relation thereto.

XIV. ,, to repeal the Indian Press Act, 1910, and the Newspapers (Incitements to Offences) Act, 1908, and to make certain provisions in regard to the liability of editors of newspapers, and to facilitate the registration of printers and publishers; and to provide for the seizure and disposal of certain documents.

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XV. An Act to regulate the employment of child labour in ports in British India.

XVI. ,, further to amend the Indian Extradition Act, 1903.

XVII. ,, further to amend the Indian Museum Act, 1910.

XVIII. ,, further to amend the Negotiable Instruments Act, 1881.

XIX. ,, further to amend the Court-fees Act, 1870.

XX. ,, further to amend the Parsi Marriage and Divorce Act, 1865.

XXI. ,, further to amend the Official Trustees Act, 1913, and the Administrator-General's Act, 1913.

XXII. ,, to provide a penalty for spreading disaffection among the police and for kindred offences.

XXIII. ,, to remove the restrictions imposed on the transfer of ships registered in British India.

* An Act to prevent the dissemination by means of books, newspapers and other documents of matter calculated to bring into hatred or contempt, or to excite disaffection against Princes or Chiefs of States in India or the Governments or Administrations established in such States.

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* No number was given to this Act which was made by the Governor General under section 67B of the Government of India Act.

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* This Act was made by the Governor General under Section 67-B of the Government of India Act.

† No number was given to this Act.

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TABLE SHOWING

EFFECT OF LEGISLATION

BY THE

INDIAN LEGISLATURE,

BY THE

GOVERNOR GENERAL IN COUNCIL

AND BY THE

GOVERNOR GENERAL

during 1922.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council.			
1	State Offences Act, 1857 (XI of 1857).	So much as was not already repealed.	..	Act IV of 1922, s. 3 and Sch.
2	Forfeiture Act, 1857 (XXV of 1857).	So much as was not already repealed.	..	*Ibid.*
3	Indian Penal Code (Act XLV of 1860).	..	Every Trustee and every Officer and servant of the Board of Trustees constituted under the Ranchi Mental Hospital Act, 1922, to be a public servant within the meaning of section 21 of the Code.	Act XIII of 1922, s. 11.
		..	Protector of Emigrants and Medical Inspector of Emigrants under the Indian Emigration Act, 1922, to be public servants under the Code.	Act VII of 1922, ss. 3 (3), 5 (2) and 6 (2).
		..	Proceeding before certain Income-tax Officers under Chapter IV of the Indian Income-tax Act, 1922, to be deemed a "Judicial proceeding" within the meaning of sections 193 and 228 of the Code.	Act XI of 1922, s. 37.
		..	Making false statement in a verification under sections 22, 30 or 32 of the Indian Income-tax Act, 1922, to be an offence under section 177 of the Code.	Act XI of 1922, s. 52.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			I.—Acts of the Governor General in Council—contd.	
4	Parsi Marriage and Divorce Act, 1865 (XV of 1865).	..	After section 38 the following section was inserted, namely :—	Act XX of 1922, s. 2.
			"39. Notwithstanding anything contained in section 16 or section 17, where in the case of a trial in a Parsi Chief Matrimonial Court, not less than nine or, in the case of a trial in a Parsi District Matrimonial Court, not less than six delegates have attended throughout the proceedings, the trial shall not be invalid by reason of the absence during any part thereof of the other delegate or delegates. (Absence of delegates during trial.)	
			Where at any stage of a trial in a Parsi Chief Matrimonial Court less than nine, or in a Parsi District Matrimonial Court less than six, delegates are present who have attended throughout the proceedings and the presiding Judge is of opinion that it is not possible without undue delay to secure the attendance throughout the proceedings of nine or six delegates, as the case may be, the proceedings shall be stayed and a new trial shall be held with the aid of fresh delegates."	
			(1) In section 41, for the words "before whom the case is tried" the words "who have attended throughout the trial" were substituted.	*Ibid*, s. 3.
			(2) To the same section the following proviso was added, namely :—	
			"Provided that, where such delegates are equally divided in opinion, the decision on the facts shall be the decision of the presiding Judge."	
5	Press and Registration of Books Act, 1867 (XXV of 1867).	..	In section 1, after the definition of "British India", the following definition, namely :—	Act XIV of 1922, s. 3 and Sch. I.
			"editor" means the person who controls the selection of the matter that is published in a newspaper," (Editor.) and after the definition of "Magistrate" the following definition, namely :—	
			'newspaper' means any printed periodical work containing public news or comments on public news," (Newspaper.) were inserted.	

NATIONAL ARCHIVES OF INDIA

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
5	Press and Registration of Books Act, 1867 (XXV of 1867)—*contd.*	...	In section 5,— (*a*) For the words "printed periodical work containing public news or comments on public news," the word "newspaper" was substituted; (*b*) After the words "hereinafter laid down" the following clause was inserted, namely:— "(1) Every copy of every such newspaper shall contain the name of the person who is the editor thereof printed clearly on such copy as the name of the editor of that newspaper;" (*c*) Clauses (1), (2) and (3) were re-numbered (2), (3) and (4); (*d*) In clause (2), as re-numbered, for the words "before the Magistrate within whose local jurisdiction such work shall be published" the words "in person or by agent authorised in this behalf in accordance with rules made under section 20, before a District, Presidency or Sub-divisional Magistrate within whose local jurisdiction such newspaper shall be printed or published or such printer or publisher resides," were substituted, and for the words "periodical work" the word "newspaper" was substituted; (*e*) After clause (4), as re-numbered, the following proviso was inserted, namely:— "Provided that no person who has not attained majority in accordance with the provisions of the Indian Majority Act, 1875, or of the law to which he is subject in respect of the attainment of majority, shall be permitted to make the declaration prescribed by this section, nor shall any such person edit a newspaper."	Act XIV of 1922, s. 3 and Sch. I.
			In section 7,— (*a*) After the words "custody of such declarations," the words "or, in the case of the editor, a copy of the newspaper containing his name printed on it as that of the editor;"	*Ibid.*

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			I.—Acts of the Governor General in Council—contd.	
5	Press and Registration of Books Act, 1867 (XXV of 1867)—*contd.*	..	(*b*) After the words "to such declaration," the words "or printed on such newspaper, as the case may be;"	Act XIV of 1922, s. 3 and Sch. I.
			(*c*) After the words "in the declaration," the words "or the editor of every portion of that issue of the newspaper of which a copy is produced;" were inserted.	
			In sections 7, 8 and 9, for the words "periodical work" wherever they occur, the word "newspaper" was substituted.	*Ibid.*
			After section 8 the following section was inserted, namely:—	*Ibid.*
			"8A. If any person, whose name has appeared as editor on a copy of a newspaper, claims that he was not the editor of the issue on which his name has so appeared, he may, within two weeks of his becoming aware that his name has been so published, appear before a District, Presidency or Subdivisional Magistrate and make a declaration that his name was incorrectly published in that issue as that of the editor thereof, and if the Magistrate after making such inquiry or causing such inquiry to be made as he may consider necessary is satisfied that such declaration is true, he shall certify accordingly, and on that certificate being given the provisions of section 7 shall not apply to that person in respect of that issue of the newspaper.	
			Person whose name has been incorrectly published as editor may make a declaration before a Magistrate.	
			The Magistrate may extend the period allowed by this section in any case where he is satisfied that such person was prevented by sufficient cause from appearing and making the declaration within that period."	
			After section 11 the following section was inserted, namely:—	*Ibid.*
			"11A. The printer of every newspaper in British India shall deliver at such place and to such officer as the Local Government	
			Copies of newspaper printed in British India to be delivered *gratis* to Government.	

NATIONAL ARCHIVES OF INDIA

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			I.—Acts of the Governor General in Council—contd.	
5	Press and Registration of Books Act, 1867 (XXV of 1867)—*concld.*	...	may, by notification in the local official Gazette, direct, and free of expense to the Government, two copies of each issue of such newspaper as soon as it is published."	Act XIV of 1922, s. 3 and Sch. I.
			In sections 12, 13, 14 and 15, for the words "two years," wherever they occur, the words "six months," and for the words "five thousand" wherever they occur, the words "two thousand" were substituted.	*Ibid.*
		...	In section 15,—	
			(*a*) After the words "whoever shall" in the two places where they occur, the word "edit" was inserted;	*Ibid.*
			(*b*) For the words "such periodical work as is hereinbefore described," the word "newspaper" was substituted;	
			(*c*) After the words "shall cause to be," the word "edited" was inserted;	
			(*d*) For the words "such periodical work," where they occur for the second time, the word "newspaper" was substituted; and	
			(*e*) For the words "that work," the words "that newspaper" were substituted.	
			After section 16 the following section was inserted, namely:—	*Ibid.*
			"16A. If any printer of any newspaper published in British India neglects to deliver copies of the same in compliance with section 11A, he shall, on the complaint of the officer to whom copies should have been delivered or of any person authorised by that officer in this behalf, be punishable, on conviction by a Magistrate having jurisdiction in the place where the newspaper was printed, with fine which may extend to fifty rupees for every default."	
			Penalty for failure to supply copies of newspapers *gratis* to Government.	

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
		I.—Acts of the Governor General in Council—contd.		
6	The Court-fees Act, 1870 (VII of 1870).	..	In section 4, for the words "judgment of two" the words and brackets "judgments (other than judgments passed in the exercise of the ordinary original civil jurisdiction of the Court) of one" were substituted.	Act XIX of 1922, s. 2.
7	Indian Evidence Act, 1872 (I of 1872).	..	Provisions to be construed as not permitting Courts to require any public servant to produce in Court, or depose to, any returns, accounts, documents or records furnished or produced in connection with income-tax proceedings, except as provided in the Indian Income-tax Act, 1922.	Act XI of 1922, s. 54.
8	Punjab Laws Act, 1872 (IV of 1872).	So much of the First Schedule as related to the Bengal State Offences Regulation, 1804.	..	Act IV of 1922, s. 3 and Sch.
9	Laws Local Extent Act, 1874 (XV of 1874).	So much of the First, Second, Fourth and Fifth Schedules as related to the Bengal State Offences Regulation, 1804, the Madras State Offences Regulation, 1808, the State Offences Act, 1857, and the Forfeiture Act, 1857.	..	*Ibid.*
10	Central Provinces Laws Act, 1875 (XX of 1875).	So much of the Schedule as related to the Bengal State Offences Regulation, 1804.	..	*Ibid.*
11	Oudh Laws Act, 1876 (XVIII of 1876).	So much of the Second schedule as related to the Bengal State Offences Regulation, 1804.	..	*Ibid.*

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
12	Sea Customs Act, 1878 (VIII of 1878).	..	After section 181, the following sections were inserted, namely :— "181A. (*1*) The Chief Customs Officer or other officer authorised by the Local Government in this behalf may detain any package, brought whether by land or sea into British India, which he suspects to contain— (*a*) any newspaper or book as defined in the Press and Registration of Books Act, 1867, or (*b*) any document, containing any seditious matter, that is to say, any matter, the publication of which is punishable under section 124A of the Indian Penal Code, and shall forward such package to such officer as the Local Government may appoint in this behalf. (*2*) Any officer detaining a package under the provisions of sub-section (*1*) shall, where practicable, forthwith send by post to the addressee or consignee of such package notice of the fact of such detention. (*3*) The Local Government shall cause the contents of such package to be examined, and if it appears to the Local Government that the package contains any such newspaper, book or other document, containing any such seditious matter, may pass such orders as to the disposal of the package and its contents as it may deem proper, and, if it does not so appear, shall release the package and its contents unless the same be otherwise liable to seizure under any law for the time being in force : Provided that any person interested in any package detained under the provisions of this section may, within two months from the date of such detention, apply to the Local Government for release of the same, and the Local Government shall consider such application and pass such orders thereon as it may deem to be proper :	Act XIV of 1922, s. 4 and Sch. II.

Power to detain packages containing certain publications imported into British India.

NATIONAL ARCHIVES OF INDIA

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			I.—Acts of the Governor General in Council—contd.	
12	Sea Customs Act, 1878 (VIII of 1878)—*contd.*		Provided, further, that, if such application is rejected, the applicant may, within two months from the date of the order rejecting the application, apply to the High Court for release of the package or its contents on the ground that the package did not contain any such newspaper, book or other document containing any such seditious matter. (*4*) In this section "document" includes also any painting, drawing or photograph, or other visible representation. 181B. Every application under the second proviso to sub-section (*3*) of section 181A shall be heard and determined, in the manner provided by sections 99D to 99F of the Code of Criminal Procedure, 1898, by a Special Bench of the High Court constituted in the manner provided by section 99C of that Code. Procedure for disposal by High Court of applications for release of packages so detained. 181C. No order passed or action taken under section 181A shall be called in question in any Court otherwise than in accordance with the second proviso to sub-section (*3*) of that section." Jurisdiction barred.	Act XIV of 1922, s. 4 and Sch. II. *Ibid.*
13	Indian Salt Act, 1882 (XII of 1882).	..	With effect from the first day of March 1922, and up to the 31st day of March 1923, the provisions of section 7 were, in so far as they enable the Governor General in Council to impose by rule made under that section a duty on salt manufactured in, or imported into, any part of British India other than Burma and Aden, to be construed as if they imposed such duty at the rate of one rupee and four annas per maund of eighty-two and two-sevenths pounds avoirdupois of salt manufactured in, or imported by land into, any such part, and such duty was, for all the purposes of the Act, to be deemed to have been imposed by rule made under that section.	Act XII of 1922, s. 2.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
		I.—Acts of the Governor General in Council—contd.		
14	Negotiable Instruments Act, 1881 (XXVI of 1881).	..	To section 131 the following *Explanation* was added, namely :— "*Explanation.*—A banker receives payment of a crossed cheque for a customer within the meaning of this section notwithstanding that he credits his customer's account with the amount of the cheque before receiving payment thereof."	Act XVIII of 1922, s. 2.
15	Provincial Small Cause Courts Act, 1887 (IX of 1887).	..	In section 24, for the words and figures "section 588, clause (29) of the Code of Civil Procedure" the words and figures "clause (*ff*) or clause (*h*) of sub-section (*1*) of section 104 of the Code of Civil Procedure, 1908," were substituted ; and after the words "District Court," the following words were added, namely :— "on any ground on which an appeal from such order would lie under that section."	Act IX of 1922, s. 5.
16	Amending Act, 1891 (XII of 1891).	So much of the Second Schedule as related to the Forfeiture Act, 1857.	..	Act IV of 1922, s. 3 and Sch.
17	Indian Tariff Act, 1894 (VIII of 1894).	..	With effect from the 1st day of March, 1922, for the Second Schedule, the following Schedule was substituted, namely :— "SCHEDULE II.—IMPORT TARIFF. PART I.—Articles which are free of duty.	Act XII of 1922, s. 3 and Sch. I.

No.	Names of Articles.
	I.—Food, Drink and Tobacco—
1	HOPS.
2	SALT imported into British India and issued, in accordance with rules made with the previous sanction of the Governor General in Council, for use in any process of manufacture ; also salt imported into the port of Calcutta and issued with the sanction of the Government of Bengal to manufacturers of

NATIONAL ARCHIVES OF INDIA

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
17	Indian Tariff Act, 1894 (VIII of 1894) —*contd.*	..	SCHEDULE II.—IMPORT TARIFF—*contd.* PART I.—Articles which are free of duty —*contd.*	Act XII of 1922, s. 3 and Sch. I.

No.	Names of Articles.
	I.—Food, Drink and Tobacco—*contd.*
	glazed stone-ware; also salt imported into any port in the provinces of Bengal and Bihar and Orissa and issued, in accordance with rules made with the previous sanction of the Governor General in Council, for use in curing fish in those provinces.
	(For the general duty on salt, *see* No. 35.)
	II.—Raw materials and produce and articles mainly unmanufactured—
	HIDES AND SKINS, RAW.
3	HIDES AND SKINS, raw or salted.
	METALLIC ORES.
4	METALLIC ORES, all sorts.
	PRECIOUS STONES AND PEARLS.
5	PRECIOUS STONES, unset and imported uncut, and PEARLS, unset.
	SEEDS.
6	OIL-SEEDS imported into British India by sea from the territories of any Prince or Chief in India.
	TEXTILE MATERIALS.
7	COTTON, raw.
8	WOOL, raw, and WOOL-TOPS.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.

I.—Acts of the Governor General in Council—contd.

17	Indian Tariff Act, 1894 (VIII of 1894)—*contd.*		SCHEDULE II.—IMPORT TARIFF—*contd.* PART I.—Articles which are free of duty—*contd.*	Act XII of 1922, s. 3 and Sch. I.

No.	Names of Articles.
	II.—Raw materials and produce and articles mainly unmanufactured—*contd.*
	MISCELLANEOUS.
9	MANURES, all sorts, including animal bones and the following chemical manures:—Basic slag, nitrate of ammonia, nitrate of soda, muriate of potash, sulphate of ammonia, sulphate of potash, kainit salts, nitrate of lime, calcium cyanamide, mineral phosphates and mineral superphosphates.
10	PULP OF WOOD, RAGS and other paper-making materials.
	III.—Articles wholly or mainly manufactured—
	APPAREL.
11	UNIFORMS AND ACCOUTREMENTS appertaining thereto, imported by a public servant for his personal use.
	ARMS, AMMUNITION AND MILITARY STORES.
12	The following ARMS, AMMUNITION AND MILITARY STORES:—
	(*a*) Articles falling under the 5th, 6th, 8th, 9th or 10th item of No. 42, when they appertain to a firearm falling under the 1st or 3rd item and are fitted into the same case with such firearm.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
17	Indian Tariff Act, 1894 (VIII of 1894)—*contd.*	..	SCHEDULE II.—IMPORT TARIFF—*contd.* PART I.—Articles which are free of duty—*contd.* No. | Names of Articles. **III.—Articles wholly or mainly manufactured**—*contd.* ARMS, AMMUNITION AND MILITARY STORES—*contd.* (*b*) Arms forming part of the regular equipment of a commissioned or gazetted officer in His Majesty's Service entitled to wear diplomatic, military, naval Royal Air Force or police uniform. (*c*) A revolver and an automatic pistol and ammunition for such revolver and pistol up to a maximum of 100 rounds per revolver or pistol, (*i*) when accompanying a commissioned officer of His Majesty's regular forces, or of the Indian Auxiliary Force or the Indian Territorial Force or a gazetted police officer, or (*ii*) certified by the commandant of the corps to which such officer belongs, or, in the case of an officer not attached to any corps, by the officer commanding the station or district in which such officer is serving, or, in the case of a police officer, by an Inspector General or Commissioner of Police, to be imported by the officer for the purpose of his equipment. (*d*) Swords for presentation as army or volunteer prizes.	Act XII of 1922, s. 3 and Sch. I.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
17	Indian Tariff Act, 1894 (VIII of 1894)—*contd.*	..	SCHEDULE II.—IMPORT TARIFF—*contd.* PART I.—Articles which are free of duty—*contd.*	Act XII of 1922, s. 3 and Sch. I.

No.	Names of Articles.
	III.—Articles wholly or mainly manufactured—*contd.*
	ARMS, AMMUNITION AND MILITARY STORES—*contd.*
	(*e*) Arms, ammunition, and military stores imported with the sanction of the Government of India for the use of any portion of the military forces of a State in India which may be maintained and organized for Imperial Service.
	(*f*) Morris tubes and patent ammunition imported by officers commanding British and Indian regiments or volunteer corps for the instruction of their men.
	CHEMICALS, DRUGS AND MEDICINES.
13	ANTI-PLAGUE SERUM.
14	QUININE and other alkaloids of cinchona.
	HARDWARE, IMPLEMENTS AND INSTRUMENTS.
15	The following AGRICULTURAL IMPLEMENTS, namely, winnowers, threshers, mowing and reaping machines, binding machines, elevators, seed-crushers, chaff-cutters, root-cutters, ensilage-cutters, horse and bullock gears, ploughs, cultivators, scarifiers, harrows, clod-crushers, seed-drills, hay-tedders, and rakes; also agricultural tractors; also component parts of these implements or tractors,

NATIONAL ARCHIVES OF INDIA

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.

I.—Acts of the Governor General in Council—contd.

17	Indian Tariff Act, 1894 (VIII of 1894)—*contd.*		SCHEDULE II.—IMPORT TARIFF—*contd.* PART I.—Articles which are free of duty—*contd.*	Act XII of 1922, s. 3 and Sch. I.

No.	Names of Articles.
	III.—Articles wholly or mainly manufactured—*contd.*
	HARDWARE, IMPLEMENTS AND INSTRUMENTS—*contd.*
	provided that they can be readily fitted into their proper places in the implements or tractors for which they are imported, and that they cannot ordinarily be used for purposes unconnected with agriculture.
16	The following DAIRY APPLIANCES, namely, cream separators, milk sterilizing or pasteurizing plant, milk aerating and cooling apparatus, churns, butter dryers, and butter workers; also component parts of these appliances, provided that they can be readily fitted into their proper places in the appliances for which they are imported, and that they cannot ordinarily be used for other than dairy purposes.
17	INSTRUMENTS, APPARATUS and APPLIANCES, imported by a passenger as part of his personal baggage and in actual use by him in the exercise of his profession or calling.
18	WATER-LIFTS, SUGAR-MILLS, OIL-PRESSES, and parts thereof, when constructed, so that they can be worked by manual or animal power.
	METALS.
19	CURRENT NICKEL, BRONZE, AND COPPER COIN of the Government of India.
20	GOLD AND SILVER BULLION and coin.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.

I.—Acts of the Governor General in Council—contd.

17	Indian Tariff Act, 1894 (VIII of 1894)—*contd.*		SCHEDULE II.—IMPORT TARIFF—*contd.* PART I.—Articles which are free of duty—*concld.*	

No.	Names of Articles.
	III.—Articles wholly or mainly manufactured—*concld.*
	PAPER.
21	TRADE CATALOGUES AND ADVERTISING CIRCULARS imported by packet, book, or parcel post.
	YARNS AND TEXTILE FABRICS.
22	SECOND-HAND OR USED GUNNY BAGS made of jute.
	MISCELLANEOUS.
23	ART, the following works of :—(1) statuary and pictures intended to be put up for the public benefit in a public place, and (2) memorials of a public character intended to be put up in a public place, including the materials used or to be used in their construction, whether worked or not.
24	BOOKS printed, including covers for printed books, maps, charts, and plans, proofs, music and manuscripts.
	IV.—Miscellaneous and unclassified—
25	ANIMALS, living, all sorts.
26	SPECIMENS ILLUSTRATIVE OF NATURAL SCIENCE, and medals and antique coins.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.

I.—Acts of the Governor General in Council—contd.

17 | Indian Tariff Act, 1894 (VIII of 1894)—*contd.*

SCHEDULE II.—IMPORT TARIFF—*contd.*

PART II.—Articles which are liable to duty at special rates.

No.	Names of Articles.	Unit or method of assessment.	Rate of duty.
	I.—Food, Drink and Tobacco—		R A.
	FISH.		
27	FISH, SALTED, wet or dry.	Indian maund of 82⅔ lbs. avoirdupois weight.	Such rate or rates of duty not exceeding one rupee as the Governor General in Council may, by notification in the Gazette of India from time to time, prescribe.
	LIQUORS.		
28	ALE, Beer, Porter, Cider and other fermented liquors.	Imperial gallon or 6 quart bottles.	Eight annas.
29	SPIRIT, which has been rendered effectually and permanently unfit for human consumption.	*Ad valorem* .	7½ per cent.
30	PERFUMED SPIRITS.	Imperial gallon or 6 quart bottles.	36 0
31	LIQUEURS, Cordials, Mixtures and other preparations containing spirit—		
	(*a*) Entered in such a manner as to indicate that the strength is not to be tested.	Ditto .	30 0
	(*b*) If tested .	Imperial gallon or 6 quart bottles of the strength of London proof.	21 14 and the duty to be increased or reduced in proportion as the strength of the spirit exceeds or is less than London proof.
32	All other sorts of SPIRIT.	Ditto .	Ditto.

Act XII of 1922, s. 3 and Sch. I.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.

I.—Acts of the Governor General in Council—contd.

17 | Indian Tariff Act, 1894 (VIII of 1894)—*contd.*

SCHEDULE II.—IMPORT TARIFF—*contd.*

PART II.—Articles which are liable to duty at special rates—*contd.*

Act XII of 1922, s. 3 and Sch. I.

No.	Names of Articles.	Unit or method of assessment.	Rate of duty.
	I.—Food, Drink and Tobacco—*contd.*		
	LIQUORS—*contd.*		R. A.
33	WINES—		
	Champagne and all other sparkling wines not containing more than 42 per cent. of proof spirit.	Imperial gallon or 6 quart bottles.	9 0
	All other sorts of wines not containing more than 42 per cent. of proof spirit: Provided that all sparkling and still wines containing more than 42 per cent. of proof spirit shall be liable to duty at the rate applicable to "All other sorts of Spirit."	Ditto .	4 8
	SUGAR.		
34	SUGAR, all sorts including molasses and saccharine produce of all sorts, but excluding confectionery (*see* No. 124).	*Ad valorem* .	25 per cent.
	OTHER FOOD AND DRINK.		
35	SALT, excluding salt exempted under No. 2.	Indian maund of 82⅔ lbs. avoirdupois weight.	The rate at which excise duty is for the time being leviable on salt manufactured in the place where the import takes place.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.

I.—Acts of the Governor General in Council—contd.

17	Indian Tariff Act, 1894 (VIII of 1894)—*contd.*		SCHEDULE II.—IMPORT TARIFF—*contd.* PART II.—Articles which are liable to duty at special rates—*contd.*	Act XII of 1922 s. 3 and Sch. I.

No.	Names of Articles.	Unit or method of assessment.	Rate of duty.
	I.—Food, Drink and Tobacco—*contd.*		
	TOBACCO.		R A.
36	TOBACCO unmanufactured.	Pound . .	1 0
37	CIGARS AND CIGARETTES.	*Ad valorem* .	75 per cent.
38	All other sorts of TOBACCO manufactured.	Pound . .	2 4
	II.—Raw materials and produce and articles mainly unmanufactured—		
	COAL, COKE AND PATENT FUEL.		
39	COAL, COKE AND PATENT FUEL.	Ton . .	0 8
	OILS.		
40	KEROSENE and MOTOR SPIRIT; also any mineral oil other than kerosene and motor spirit which has its flashing point below one hundred degrees of Fahrenheit's thermometer by Abel's close test. NOTE.—Motor spirit is liable to an additional duty of 6 annas per gallon under Act II of 1917, as amended by Act III of 1919.	Imperial gallon .	Two annas and six pies.
41	MINERAL OIL which has its flashing point at or above two hundred degrees of Fahrenheit's thermometer, and is such as is not ordinarily used for any other purpose than for the batching of jute or other fibre, or for lubrication and	*Ad valorem* .	7½ per cent.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.

I.—Acts of the Governor General in Council—contd.

17 | Indian Tariff Act, 1894 (VIII of 1894)—*contd.* | .. | SCHEDULE II.—IMPORT TARIFF—*contd.* | Act XII of 1922, s. 3 and Sch. I.

PART II—Articles which are liable to duty at special rates—*contd.*

No.	Names of Articles.	Unit or method of assessment.	Rate of duty.	
	II.—Raw materials and produce and articles mainly unmanufactured—*concld.*			
	OILS—*contd.*			
	mineral oil which has its flashing point at or above one hundred and fifty degrees of Fahrenheit's thermometer, and is such as is not ordinarily used except as fuel or for some sanitary or hygienic purpose.			
	III.—Articles wholly or mainly manufactured—			
	ARMS, AMMUNITION AND MILITARY STORES.			
42	Subject to the exemptions specified in No. 12—		R	
	(1) Firearms other than pistols, including gas and air-guns and rifles.	Each . .	15	
	(2) Barrels for the same, whether single or double.	„ . .	15	
	(3) Pistols, including automatic pistols and revolvers.	„ . .	15	
	(4) Barrels for the same, whether single or double.	„ . .	15	or 30 per cent. *ad valorem*, whichever is higher.
	(5) Mainsprings and magazine springs for firearms, including gas-guns and rifles.	„ . .	5	
	(6) Gun stocks and breech blocks.	„ . .	3	
	(7) Revolver-cylinders, for	„ . .	2	

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.

I.—Acts of the Governor General in Council—contd.

17	Indian Tariff Act, 1894 (VIII of 189.)—*contd.*		SCHEDULE II—IMPORT TARIFF—*contd.* PART II.—Articles which are liable to duty at special rates—*concld.*	Act XII of 1922, s. 3 and Sch. I.

No.	Names of Articles.	Unit or method of assessment.	Rate of duty.
	III.—Articles wholly or mainly manufactured—*contd.*		
	ARMS, AMMUNITION AND MILITARY STORES—*contd.*		
	each cartridge they will carry.		
	(8) Actions (including skeleton and waster) breech bolts and their heads, cocking pieces, and locks for muzzle loading arms.	Each . .	R 1 or 30 per cent. *ad valorem*, whichever is higher.
	(9) Machines for making, loading, or closing cartridges for rifled arms.	*Ad valorem* .	30 per cent.
	(10) Machines for capping cartridges for rifled arms.	*Ad valorem* .	30 per cent.
	CHEMICALS, DRUGS AND MEDICINES.		R A.
43	Opium and its alkaloids and their derivatives.	Seer of 80 tolas.	24 0
	YARNS AND TEXTILE FABRICS.		
44	COTTON TWIST AND YARN and COTTON SEWING or DARNING THREAD.	*Ad valorem* .	5 per cent.
45	COTTON PIECE-GOODS.	*Ad valorem* .	11 per cent.
	MISCELLANEOUS.		
46	Matches—		R A.
	(1) In boxes containing on the average not more than 100 matches.	Per gross of boxes.	1 8
	(2) In boxes containing on the average more than 100 matches.	For every 25 matches or fraction thereof in each box, per gross of boxes.	0 6

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
17	Indian Tariff Act, 1894 (VIII of 1894)—*contd.*	..	SCHEDULE II—IMPORT TARIFF—*contd.* PART III.—Articles which are liable to duty at 2½ per cent. *ad valorem*.	Act XII of 1922, s. 3 and Sch. I.

No.	Names of Articles.
	I.—Food, Drink and Tobacco—
	GRAIN, PULSE AND FLOUR.
47	GRAIN AND PULSE, all sorts, including broken grains and pulse, but excluding flour (*see* No. 68).
	PROVISIONS AND OILMAN'S STORES.
48	VINEGAR in casks.
	II.—Raw materials and produce and articles mainly unmanufactured—
	WOOD AND TIMBER.
49	FIREWOOD.
	III.—Articles wholly or mainly manufactured—
	CHEMICALS, DRUGS AND MEDICINES.
50	COPPERAS, green.
	MACHINERY.
51	MACHINERY, namely, prime-movers and component parts thereof, including boilers and component parts thereof; also including locomotive and portable engines, steam-rollers, fire engines, motor tractors designed for purposes other than agriculture, and other machines in which the prime-mover is not separable from the operative parts.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.

I.—Acts of the Governor General in Council—contd.

17	India Tariff Act, 1894 (VIII of 1894)—*contd.*		SCHEDULE II.—IMPORT TARIFF—*contd.*	Act XII of 1922, s. 3 and Sch. I.
			PART III.—Articles which are liable to duty at 2½ per cent. *ad valorem*—*contd.*	
			No. | Names of Articles.	
			III.—Articles wholly or mainly manufactured—*contd.*	
			MACHINERY—*contd.*	
			MACHINERY (and component parts thereof), meaning machines or sets of machines to be worked by electric, steam, water, fire or other power not being manual or animal labour, or which, before being brought into use, require to be fixed with reference to other moving parts; and including belting of all materials for driving machinery:	
			Provided that the term does not include tools and implements to be worked by manual or animal labour, and provided also that only such articles shall be admitted as component parts of machinery as are indispensable for the working of the machinery, and are, owing to their shape or to other special quality, not adapted for any other purpose.	
			Note.—This entry includes machinery and component parts thereof made of substances other than metal.	
			METALS OTHER THAN IRON AND STEEL.	
			52 | LEAD sheets, for tea-chests.	
			MISCELLANEOUS.	
			53 | AEROPLANES, aeroplane parts, aeroplane engines and aeroplane engine parts.	
			54 | PRINTING AND LITHOGRAPHING MATERIAL, namely, presses, type, ink, aluminium lithographic plates, brass rules, composing sticks, chases, imposing tables, and lithographic stones, stereo-blocks,	

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
17	Indian Tariff Act, 1894 (VIII of 1894)—*contd.*	..	SCHEDULE II—IMPORT TARIFF—*contd.* PART III.—Articles which are liable to duty at 2½ per cent. *ad valorem*—*concld.* **III.—Articles wholly or mainly manufactured**—*concld.* MISCELLANEOUS—*contd.* wood blocks, half tone blocks, electrotype blocks, roller moulds, roller frames and stocks, roller composition, standing screw and hot presses, perforating machines, gold blocking presses, galley presses, proof presses, arming presses, copper plate printing presses, rolling presses, ruling machines, ruling pen making machines, lead and rule cutters, type casting machines, type setting and casting machines, rule bending machines, rule mitreing machines, bronzing machines, leads, wooden and metal quoins, shooting sticks and galleys, stereotyping apparatus, metal furniture, paper folding machines, and paging machines, but excluding paper (*see* No. 99). 55 RACKS for the withering of tea leaf. 56 TEA-CHESTS of metal or wood, whether imported entire or in sections provided that the Collector of Customs is satisfied that they are imported for the purpose of the packing of tea for transport in bulk. 57 FODDER, BRAN AND POLLARDS. PART IV.—Articles which are liable to duty at 10 per cent. *ad valorem*. **II.—Raw materials and produce and articles mainly unmanufactured**— METALLIC ORES AND SCRAP IRON OR STEEL FOR RE-MANUFACTURE. 58 IRON OR STEEL, old.	Act XII of 1922, s. 3 and Sch. I.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
17	Indian Tariff Act, 1894 (VIII of 1894)—*contd.*	..	SCHEDULE II.—IMPORT TARIFF—*contd.* PART IV.—Articles which are liable to duty at 10 per cent. *ad valorem*—*contd.*	Act XII of 1922, s. 3 and Sch. I.

No.	Names of Articles.
	III.—Articles wholly or mainly manufactured—
	HARDWARE, IMPLEMENTS AND INSTRUMENTS.
59	TELEGRAPHIC INSTRUMENTS AND APPARATUS, and parts thereof imported by, or under the orders of, a Railway Company.
	METALS—IRON AND STEEL.
60	IRON, angle.
	,, bar, rod and channel, including channel for carriages.
	,, pig.
	,, rice bowls.
61	IRON OR STEEL, anchors and cables.
	,, ,, beams, joists, pillars, girders screw piles, bridge work and other descriptions of iron or steel imported exclusively for building purposes, including also ridging, guttering and continuous roofing.
	,, ,, bolts and nuts, including hook-bolts and nuts for roofing.
	,, ,, hoops and strips.
	,, ,, nails, rivets and washers, all sorts.
	,, ,, pipes and tubes and fittings therefor, such as bends, boots, elbows, tees, sockets, flanges, and the like.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
17	Indian Tariff Act, 1894 (VIII of 1894)—*contd.*	..	SCHEDULE II.—IMPORT TARIFF—*contd.* PART IV.—Articles which are liable to duty at 10 per cent. *ad valorem*—*contd.*	Act XII of 1922, s. 3 and Sch. I.

No.	Names of Articles.
	III.—Articles wholly or mainly manufactured—*contd.*
	METALS—IRON AND STEEL—*contd.*
	IRON OR STEEL rails, chairs, sleepers, bearing and fish-plates, spikes (commonly known as dog-spikes), switches and crossings, other than those described in No. 63, also lever-boxes, clips and tie-bars.
	,, ,, sheets and plates, all sorts excluding discs and circles which are dutiable under No. 97.
	,, ,, wire, including fencing wire, piano-wire and wire-rope, but excluding wire-netting which is dutiable under No. 97.
62	STEEL, angle.
	,, bar, rod and channel, including channel for carriages.
	,, cast including spring blistered and tub steel.
	,, ingots, blooms, billets and slabs.
	RAILWAY PLANT AND ROLLING-STOCK.
63	RAILWAY MATERIALS for permanent-way and rolling-stock, namely, cylinders, girders, and other material for bridges, rails, sleepers, bearing and fish-plates, fish-bolts, chairs, spikes, crossings, sleeper fastenings, switches, interlocking apparatus, brake gear, couplings and springs, signals, turn-tables, weigh-

NATIONAL ARCHIVES OF INDIA

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
17	Indian Tariff Act, 1894 (VIII of 1894)—*contd.*	..	SCHEDULE II.—IMPORT TARIFF—*contd.* PART IV.—Articles which are liable to duty at 10 per cent. *ad valorem*—*concld.* No. | Names of Articles. **III.—Articles wholly or mainly manufactured**—*concld.* RAILWAY PLANT AND ROLLING-STOCK—*concld.* bridges, engines, tenders, carriages, wagons, traversers, trollies, trucks and component parts thereof; also the following articles when imported by, or under the orders of, a railway company, namely, cranes, water cranes, water tanks, and standards, wire and other materials for fencing: Provided that for the purpose of this entry 'railway' means a line of railway subject to the provisions of the Indian Railways Act, 1890 and includes a railway constructed in a State in India and also such tramways, as the Governor General in Council may, by notification in the *Gazette of India*, specifically include therein: Provided also that only such articles shall be admitted as component parts of railway materials as are indispensable for the working of railways, and are, owing to their shape or to other special quality, not adapted for any other purpose. 64 SHIPS AND OTHER VESSELS for inland and harbour navigation, including steamers, launches, boats and barges imported entire or in sections. PART V.—Articles which are liable to duty at 15 per cent. *ad valorem*. **I.—Food, Drink and Tobacco—** FISH. 65 FISH, excluding salted fish (*see* No. 27). 66 FISHMAWS, including singally and sozille, and sharkfins.	Act XII of 1922, s. 3 and Sch. I.

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Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.

I.—Acts of the Governor General in Council—contd.

17	Indian Tariff Act, 1894 (VIII of 1894)—*contd.*	..	SCHEDULE II.—IMPORT TARIFF—*contd.* PART V.—Articles which are liable to duty at 15 per cent. *ad valorem*—*contd.*	Act XII of 1922, s. 3 and Sch. I.

No.	Names of Articles.
	I.—Food, Drink and Tobacco—*contd.*
	FRUITS AND VEGETABLES.
67	FRUITS AND VEGETABLES, all sorts, fresh, dried, salted or preserved.
	GRAIN, PULSE AND FLOUR.
68	FLOUR.
	PROVISIONS AND OILMAN'S STORES.
69	PROVISIONS AND OILMAN'S STORES AND GROCERIES, all sorts, excluding vinegar in casks (*see* No. 48).
	SPICES.
70	SPICES, all sorts.
	TEA.
71	TEA.
	OTHER FOOD AND DRINK.
72	COFFEE.
73	All other sorts of Food and Drink not otherwise specified.
	II.—Raw materials and produce and articles mainly unmanufactured—
	GUMS, RESINS AND LAC.
74	GUMS, RESINS AND LAC, all sorts.
	OILS.
75	All sorts of animal, essential, mineral, and vegetable non-essential oils not otherwise specified (*see* Nos. 40 and 41).

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Seri	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.

I.—Acts of the Governor General in Council—contd.

17	Indian Tariff Act, 1894 (VIII of 1894)—*contd.*		SCHEDULE II.—IMPORT TARIFF—*contd.* PART V.—Articles which are liable to duty at 15 per cent. *ad valorem*—*contd.*	Act XII of 1922, s. 3 and Sch. I.

No.	Names of Articles.
	II.—Raw materials and produce and articles mainly unmanufactured—*concld.*
	SEEDS.
76	SEEDS, all sorts, excluding oil-seeds imported into British India by sea from the territories of any Prince or Chief in India (*see* No. 6).
	TALLOW, STEARINE AND WAX.
77	TALLOW AND STEARINE, including grease and animal fat, and wax of all sorts not otherwise specified.
	TEXTILE MATERIALS.
78	TEXTILE MATERIALS, the following :— Silk waste, and raw silk including cocoons, raw flax, hemp, jute and all other unmanufactured textile materials not otherwise specified.
	WOOD AND TIMBER.
79	WOOD AND TIMBER, all sorts, not otherwise specified, including all sorts of ornamental wood.
	MISCELLANEOUS.
80	CANES AND RATTANS.
81	COWRIES and SHELLS.
82	IVORY, unmanufactured.
83	PRECIOUS STONES, unset and imported cut (*see* No. 5).
84	All other raw materials and produce and articles mainly unmanufactured, not otherwise specified.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.

I.—Acts of the Governor General in Council—contd.

17	Indian Tariff Act, 1894 (VIII of 1894)—*contd.*	..	SCHEDULE II.—IMPORT TARIFF—*contd.* PART V.—Articles which are liable to duty at 15 per cent. *ad valorem*—*contd.*	Act XII of 1922, s. 3 and Sch. I.

No.	Names of Articles.
	III.—Articles wholly or mainly manufactured—
	APPAREL.
85	APPAREL, including drapery, boots and shoes, and military and other uniforms and accoutrements, but excluding uniforms and accoutrements, exempted from duty under No. 11 and gold and silver thread (*see* Nos. 132 and 133), and articles made of silk (*see* No. 134).
	ARMS, AMMUNITION AND MILITARY STORES.
86	EXPLOSIVES, namely, blasting gunpowder, blasting gelatine, blasting dynamite, blasting roburite, blasting tonite, and all other sorts, including detonators and blasting fuze.
	CARRIAGES AND CARTS.
87	CARRIAGES AND CARTS, including tram cars, motor-omnibuses, motor-lorries, motor-vans, jinrikshas, bath-chairs, perambulators, trucks, wheel barrows, and all other sorts of conveyances not otherwise specified, and such component parts and accessories thereof, as are not also adapted for use as parts or accessories of motor-cars, motor-cycles, motor-scooters, bicycles or tricycles (*see* No. 127).
	CHEMICALS, DRUGS AND MEDICINES.
88	CHEMICALS, DRUGS AND MEDICINES, all sorts, not otherwise specified.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.

I.—Acts of the Governor General in Council—contd.

17	Indian Tariff Act, 1894 (VIII of 1894)—*contd.*	..	SCHEDULE II.—IMPORT TARIFF—*contd.* PART V.—Articles which are liable to duty at 15 per cent. *ad valorem*—*contd.*	Act XII of 1922. s. 3 and Sch. I.

No.	Names of Articles.
	III.—Articles wholly or mainly manufactured—*contd.*
	CUTLERY, HARDWARE, IMPLEMENTS AND INSTRUMENTS.
89	CUTLERY, excluding plated cutlery (*see* No. 129).
90	HARDWARE, IRONMONGERY AND TOOLS, all sorts, not otherwise specified.
91	All other sorts of IMPLEMENTS, INSTRUMENTS, APPARATUS AND APPLIANCES and parts thereof, not otherwise specified.
	DYES AND COLOURS.
92	DYEING AND TANNING SUBSTANCES, all sorts, and paints and colours and painters' materials, all sorts.
	FURNITURE, CABINETWARE AND MANUFACTURES OF WOOD.
93	FURNITURE, CABINETWARE and all other manufactures of wood not otherwise specified.
	GLASSWARE AND EARTHENWARE.
94	GLASS AND GLASSWARE, lacquered ware, earthenware, china and porcelain; all sorts except glass bangles and beads and false pearls (*see* No. 131).
	HIDES AND SKINS AND LEATHER.
95	HIDES AND SKINS not otherwise specified, LEATHER AND LEATHER MANUFACTURES, all sorts, not otherwise specified.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.

I.—Acts of the Governor General in Council—contd.

17	Indian Tariff Act, 1894 (VIII of 1894)—*contd.*	..	SCHEDULE II—IMPORT TARIFF—*contd.* PART V.—Articles which are liable to duty at 15 per cent. *ad valorem*—*contd.*	Act XII of 1922, s. 3 and Sch. I.

No.	Names of Articles.
	III.—Articles wholly or mainly manufactured—*contd.*
	MACHINERY.
96	MACHINERY AND COMPONENT PARTS thereof, meaning machines or parts of machines to be worked by manual or animal labour, not otherwise specified (*see* Nos. 15, 16 and 18).
	METALS—IRON AND STEEL.
97	All sorts of IRON AND STEEL and manufactures thereof, not otherwise specified.
	METALS OTHER THAN IRON AND STEEL.
98	All sorts of METALS OTHER THAN IRON AND STEEL, and manufactures thereof, not otherwise specified.
	PAPER, PASTEBOARD AND STATIONERY.
99	PAPER AND ARTICLES MADE OF PAPER AND PAPER MACHÉ, PASTEBOARD, MILLBOARD, AND CARDBOARD, all sorts, and STATIONERY, including ruled or printed forms and account and manuscript books, drawing and copy books, labels, advertising circulars, sheet or card almanacs and calendars, Christmas, Easter, and other cards, including cards in booklet form, including also waste-paper and old newspapers for packing, but excluding trade catalogues and advertising circulars imported by packet, book, or parcel post (*see* No. 21).

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.

I.—Acts of the Governor General in Council—contd.

17	Indian Tariff Act, 1894 (VIII of 1894)—*contd.*		SCHEDULE II.—IMPORT TARIFF—*contd.* PART V.—Articles which are liable to duty at 15 per cent. *ad valorem*—*contd.*	Act XII of 1922, s. 3 and Sch. I.

No.	Names of Articles.
	III.—Articles wholly or mainly manufactured—*contd.*
	YARNS AND TEXTILE FABRICS.
100	YARNS AND TEXTILE FABRICS, that is to say :— Cotton thread other than sewing or darning thread, and all other manufactured cotton goods not otherwise specified. Flax, twist and yarn, and manufactures of flax. Haberdashery and millinery, excluding articles made of silk (*see* No. 134). Hemp manufactures. Hosiery, excluding articles made of silk (*see* No. 134). Jute, twist and yarn, and jute manufactures, excluding second hand or used gunny bags (*see* No. 22). Silk yarn, noils and warps and silk thread. Woollen yarn, knitting wool, and other manufactures of wool, including felt. All other sorts of yarns and textile fabrics, not otherwise specified.
	MISCELLANEOUS.
101	ART, works of, excluding those specified in No. 23.
102	BRUSHES AND BROOMS.
103	BUILDING AND ENGINEERING MATERIALS, including asphalt, bricks, cement, chalk and lime, clay, pipes of earthenware, tiles, and all other sorts of building and engineering materials not otherwise specified.
104	CANDLES.
105	CINEMATOGRAPH FILMS.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
17	Indian Tariff Act, 1894 (VIII of 1894)—*contd.*	..	SCHEDULE II—IMPORT TARIFF—*contd.* PART V.—Articles which are liable to duty at 15 per cent. *ad valorem*—*concld.*	Act XII of 1922, s. 3 and Sch. I.

No.	Names of Articles.
	III.—Articles wholly or mainly manufactured—*concld.*
	MISCELLANEOUS—*contd.*
106	CORDAGE AND ROPE AND TWINE OF VEGETABLE FIBRE.
107	FURNITURE TACKLE AND APPAREL, not otherwise described, for steam, sailing, rowing and other vessels.
108	MATS AND MATTING.
109	OILCAKES.
110	OILCLOTH AND FLOOR CLOTH.
111	PACKING—ENGINE AND BOILER—all sorts, excluding packing forming a component part of any article included in Nos. 51 and 63.
112	PERFUMERY, not otherwise specified.
113	PITCH, TAR AND DAMMER.
114	POLISHES AND COMPOSITIONS.
115	RUBBER tyres and other manufactures of rubber, not otherwise specified (*see* No. 139).
116	SOAP.
117	STARCH AND FARINA.
118	STONE AND MARBLE, and articles made of stone and marble.
119	TOILET REQUISITES, not otherwise specified.
120	All other articles wholly or mainly manufactured, not otherwise specified.
	IV.—Miscellaneous and unclassified—
121	CORAL.
122	UMBRELLAS, INCLUDING PARASOLS AND SUNSHADES, AND FITTINGS THEREFOR.
123	All other articles not otherwise specified, including articles imported by post.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
17	Indian Tariff Act, 1894 (VIII of 1894)—*contd.*		SCHEDULE II—IMPORT TARIFF—*contd.* PART VI—Articles which are liable to duty at 30 per cent. *ad valorem.*	Act XII of 1922, s. 3 and Sch. I.

No.	Names of Articles.
	I.—Food, Drink and Tobacco—
124	CONFECTIONERY.
	II.—Articles wholly or mainly manufactured—
	ARMS, AMMUNITION AND MILITARY STORES.
125	GUNPOWDER FOR CANNONS, rifles, guns, pistols and sporting purposes.
126	Subject to the exemptions specified in No. 12 all articles other than those specified in entry No. 42 which are arms or parts of arms within the meaning of the Indian Arms Act, 1878 (excluding springs used for air-guns which are dutiable as hardware under No. 90), all tools used for cleaning or putting together the same, all machines for making, loading, closing or capping cartridges for arms other than rifled arms and all other sorts of ammunition and military stores, and any articles which the Governor General in Council may, by notification in the Gazette of India, declare to be ammunition or military stores for the purposes of this Act.
	CARRIAGES AND CARTS.
127	MOTOR CARS, motor cycles, motor scooters, bicycles and tricycles and articles adapted for use as parts and accessories thereof: provided that such articles as are ordinarily also used for purposes other than as parts and accessories of motor vehicles included in this item or in No. 87 or of bicycles or tricycles shall be dutiable at the rate of duty specified for such articles.
	CUTLERY, HARDWARE, IMPLEMENTS AND INSTRUMENTS.
128	CLOCKS AND WATCHES AND PARTS THEREOF.
129	ARTICLES PLATED WITH GOLD AND SILVER.
130	MUSICAL INSTRUMENTS.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.

I.—Acts of the Governor General in Council—contd.

17	Indian Tariff Act, 1894 (VIII of 1894)—*concld.*		SCHEDULE II.—IMPORT TARIFF—*concld.* PART VI.—Articles which are liable to duty at 30 per cent. *ad valorem*—*concld.*	Act XII of 1922, s. 3 and Sch. I.

No.	Names of Articles.
	II.—Articles wholly or mainly manufactured—*concld.*
	GLASSWARE AND EARTHENWARE.
131	GLASS BANGLES and BEADS and false pearls.
	METALS.
132	GOLD PLATE, gold thread and wire, and gold manufactures, all sorts.
133	SILVER PLATE, silver thread and wire, and silver manufactures, all sorts.
	YARNS AND TEXTILE FABRICS.
134	SILK PIECE-GOODS, and other manufactures of silk.
	MISCELLANEOUS.
135	FIRE-WORKS.
136	IVORY, manufactured.
137	JEWELLERY AND JEWELS.
138	PRINTS, engravings and pictures, including photographs and picture postcards.
139	PNEUMATIC RUBBER TYRES AND TUBES for motor cars, motor lorries, motor cycles, motor scooters, bicycles and tricycles.
140	SMOKERS' REQUISITES, excluding tobacco (Nos. 36 to 38) and matches (No. 46).
141	TOYS, games, playing cards and requisites for games and sports, including birdshot."

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
18	Amending (Army) Act, 1894 (XIII of 1894).	So much of the Second Schedule as related to the Madras State Offences Regulation, 1808.	....	Act IV of 1922, s. and Sch.
19	Amending Act, 1897 (V of 1897).	So much of the Third Schedule as related to the Bengal State Offences Regulation, 1804.	....	*Ibid.*
20	Indian Short Titles Act, 1897 (XIV of 1897).	So much of the Schedule as related to the State Offences Act, 1857, and the Forfeiture Act, 1857.	....	*Ibid.*
21	Code of Criminal Procedure, 1898 (V of 1898).	..	After section 99, the following sections were inserted, namely :— " 99A (*1*) Where— (*a*) any newspaper, or book as defined in the Press and Registration of Books Act, 1867, or (*b*) any document, wherever printed, appears to the Local Government to contain any seditious matter, that is to say, any matter the publication of which is punishable under section 124A of the Indian Penal Code, the Local Government may, by notification in the local official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such matter, and every copy of such book or other document to be forfeited to His Majesty, and thereupon any police-officer may seize the same, wherever found in British India, and any Magistrate may by warrant authorise any police-officer not below the rank of sub-inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be. (*2*) In sub-section (*1*) " document " includes also any painting, drawing or photograph, or other visible representation.	Act XIV of 1922, s. 5 and Sch. III. Power to declare certain publications forfeited, and to issue search warrants for the same.

NATIONAL ARCHIVES OF INDIA

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.

I.—Acts of the Governor General in Council—contd.

21	Code of Criminal Procedure, 1898 (V of 1898)—*contd.*	...	99B. Any person having any interest in any newspaper, book or other document, in respect of which an order of forfeiture has been made under section 99A may, within two months from the date of such order, apply to the High Court to set aside such order on the ground that the issue of the newspaper, or the book or other document, in respect of which the order was made, did not contain any seditious matter. Application to High Court to set aside order of forfeiture.	Act XIV of 1922, s. 5 and Sch. III.
			99C. Every such application shall be heard and determined by a Special Bench of the High Court composed of three Judges. Hearing by Special Bench.	
			99D. (*1*) On receipt of the application, the Special Bench shall, if it is not satisfied that the issue of the newspaper, or the book or other document, in respect of which the application has been made, contained seditious matter of the nature referred to in sub-section (*1*) of section 99A, set aside the order of forfeiture. Order of Special Bench setting aside forfeiture.	
			(*2*) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority of those Judges.	
			99E. On the hearing of any such application with reference to any newspaper, any copy of such newspaper may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, which are alleged to be seditious matter. Evidence to prove nature or tendency of newspapers.	
			99F. Every High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and Procedure in High Court.	

ROYAL ASIATIC SOCIETY OF THE BOMBAY BRANCH LIBRARY

NATIONAL ARCHIVES OF INDIA

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			I.—Acts of the Governor General in Council—contd.	
21	Code of Criminal Procedure, 1898 (V of 1898)—*contd.*		until such rules are framed, the practice of such Courts in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.	
		..	99G. No order passed or action taken under section 99A shall be called in question in any Court otherwise than in accordance with the provisions of section 99B." Jurisdiction barred.	
		...	In section 101 after the words "section 98" the words "section 99A" were inserted.	Act XIV of 1922, s. 5, and Sch. III.
			Provisions of section 350 to apply where a case has been transferred under the provisions of s. 15 (*1*) of the Malabar (Restoration of Order) Ordinance, 1922.	Ord. I of 1922, s. 15.
			Provisions of sections 371 (*3*) and 374 to apply in an appeal under s. 11 (*3*) of the Malabar (Restoration of Order) Ordinance, 1922.	Ord. I of 1922, s. 11.
			The powers of reference and revision conferred on Courts by Chapter XXXII to be exercisable in respect of proceedings before Courts contemplated under section 12 of the Malabar (Restoration of Order) Ordinance, 1922.	*Ibid*, s. 12.
			The powers of the Governor General in Council or the Local Government to make orders under section 401 or section 402 to apply in respect of persons sentenced under the Malabar (Restoration of Order) Ordinance, 1922.	Ord. I of 1922, s. 13.
			Provisions to be inoperative in the matter of exclusion of appeal, of transfer of cases and of confirmation of sentences as contemplated in section 14 of the Malabar (Restoration of Order) Ordinance, 1922.	*Ibid*, s. 14.
			Power to issue search warrants under s. 98 together with other provisions of the Code were made applicable in the case of offences under the British Baluchistan Security Regulation, 1922, and of offences prejudicial to the peace or good government of British Baluchistan.	Reg. V of 1922, s. 8.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
21	Code of Criminal Procedure, 1898 (V of 1898)—*contd.*	..	Provisions of sections 99A to 99G of the Code were made applicable in the case of documents containing matter in respect of which any person is punishable under s. 3 of the Indian States (Protection against Disaffection) Act, 1922.	Indian States (Protection against Disaffection) Act, 1922, s. 4.
22	Indian Post Office Act, 1898 (VI of 1898).	..	After section 27, the following sections were inserted, namely :— "27A. No newspaper printed and published in British India without conforming to the rules laid down in the Press and Registration of Books Act, 1867, shall be transmitted by post. Prohibition of transmission by post of certain newspapers. 27B. (*1*) Any officer of the Post Office authorised by the Post-master-General in this behalf may detain any postal article in course of transmission by post which he suspects to contain— Power to detain newspapers and other articles being transmitted by post. (*a*) (*i*) any newspaper or book as defined in the Press and Registration of Books Act, 1867 ; or (*ii*) any document ; containing any seditious matter, that is to say, any matter the publication of which is punishable under section 124A of the Indian Penal Code ; or (*b*) any newspaper as defined in the Press and Registration of Books Act, 1867, edited, printed or published otherwise than in conformity with the rules laid down in that Act ; and shall deliver any postal article so detained to such officer as the Local Government may appoint in this behalf. (*2*) Any officer detaining any postal article under the provisions of sub-section (*1*) shall forthwith send by post to the addressee of such article notice of the fact of such detention. (*3*) The Local Government shall cause the contents of any postal article detained under	Act XIV of 1922, s. 6 and Sch. IV.

NATIONAL ARCHIVES OF INDIA

1	2	3	4]	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
22	Indian Post Office Act, 1898 (VI of 1898)—*contd.*	..	sub-section (*1*), to be examined, and, if it appears to the Local Government that the article contained any newspaper, book or other document, of the nature described in clause (*a*) or clause (*b*) of sub-section (*1*), may pass such orders as to the disposal of the article and its contents as it may deem proper, and, if it does not so appear, shall release the article and its contents, unless the same be otherwise liable to seizure under any law for the time being in force : Provided that any person interested in any article detained under the provisions of clause (*a*) of sub-section (*1*) may, within two months from the date of such detention, apply to the Local Government for release of the same, and the Local Government shall consider such application and pass such orders thereon as it may deem to be proper : Provided also that, if such application is rejected, the applicant may, within two months from the date of the order rejecting the application, apply to the High Court for release of the article and its contents on the ground that the article did not contain any newspaper, book or other document containing any seditious matter. (*4*) In this section "document" includes also any painting, drawing or photograph, or other visible representation. 27C. Every application made under the second proviso to sub-section (*3*) of section 27B shall be heard and determined in the manner provided by sections 99D to 99F of the Code of Criminal Procedure, 1898, by a Special Bench of the High Court constituted in the manner provided by section 99C of that Code. Procedure for disposal by High Court of applications for release of newspapers and articles so detained. 27D. No order passed or action taken under section 27B shall be called in question in any Court otherwise than in accordance with the second proviso to sub-section (*3*) of that section." Jurisdiction barred.	Act XIV of 1922, s. 6 and Sch. IV.

NATIONAL ARCHIVES OF INDIA

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			I.—Acts of the Governor General in Council—contd.	
22	Indian Post Office Act, 1898 (VI of 1898)—*concld.*	..	With effect from the first day of April, 1922, and up to the 31st day of March, 1923, the following Schedule was inserted, namely :— "THE FIRST SCHEDULE. INLAND POSTAGE RATES. (*See section 7.*) *Letters.* For a weight not exceeding two and a half tolas. One anna. For every two and a half tolas, or fraction thereof, exceeding two and a half tolas . . . One anna. *Postcards.* Single . . . . Half an anna. Reply . . . . One anna. *Book, Pattern and Sample Packets.* For every five tolas or fraction thereof . . Half an anna. *Registered Newspapers.* For a weight not exceeding eight tolas . . . Quarter of an anna. For a weight exceeding eight tolas and not exceeding twenty tolas . Half an anna. For every twenty tolas, or fraction thereof, exceeding twenty tolas . . Half an anna. *Parcels.* For a weight not exceeding twenty tolas . . Two annas. For a weight exceeding twenty tolas and not exceeding forty tolas . Four annas. For every forty tolas, or fraction thereof, exceeding forty tolas . . Four annas." Provisions of sections 27B to 27D of the Act were made applicable in the case of documents containing matter in respect of which any person is punishable under s. 3 of the Indian States (Protection against Disaffection) Act, 1922.	Act XII of 1922, s. 4 and Sch. II. Indian States (Protection against Disaffection) Act 1922, s. 4.

NATIONAL ARCHIVES OF INDIA

1	2	3	4	5
Serial No	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			I.—Acts of the Governor General in Council—contd.	
23	Burma Laws Act, 1898 (XIII of 1898).	So much of the First Schedule as related to the State Offences Act, 1857, and the Forfeiture Act, 1857.	....	Act IV of 1922, s. 3 and Sch.
24	Indian Extradition Act, 1903 (XV of 1903).	..	In the First Schedule for the words "Desertion from any body of Imperial Service Troops," the following was substituted, namely :— "Desertion from any unit of Indian State Forces declared by the Governor General in Council, by notification in the Gazette of India, to be a unit desertion from which is an extradition offence."	Act XVI of 1922, s. 2.
25	Code of Civil Procedure, 1908 (V of 1908).	..	In Part I after section 35 the following section was inserted namely :— "35A. (*1*) If in any suit or other proceeding, not being an appeal, any party objects to the claim or defence on the ground that the claim or defence or any part of it is, as against the objector, false or vexatious to the knowledge of the party by whom it has been put forward, and if thereafter, as against the objector, such claim or defence is disallowed, abandoned or withdrawn in whole or in part, the Court, if the objection has been taken at the earliest opportunity and if it is satisfied of the justice thereof, may, after recording its reasons for holding such claim or defence to be false or vexatious, make an order for the payment to the objector, by the party by whom such claim or defence has been put forward, of costs by way of compensation. Compensatory cost in respect of false or vexatious claims or defences. (*2*) No Court shall make any such order for the payment of an amount exceeding one thousand rupees or exceeding the limits of its pecuniary jurisdiction, whichever amount is less : Provided that, where the pecuniary limits of the jurisdiction of any Court exercising the jurisdiction of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887, and not being a Court constituted	Act IX of 1922, s. 2.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			I.—Acts of the Governor General in Council—contd.	
25	Code of Civil Proced u r e, 1908 (V of 1908)—*contd.*	..	under that Act, are less than two hundred and fifty rupees, the High Court may empower such Court to award as costs under this section any amount not exceeding two hundred and fifty rupees and not exceeding those limits by more than one hundred rupees : Provided, further, that the High Court may limit the amount which any Court or class of Courts is empowered to award as costs under this section. (*3*) No person against whom an order has been made under this section shall, by reason thereof, be exempted from any criminal liability in respect of any claim or defence made by him. (*4*) The amount of any compensation awarded under this section in respect of a false or vexatious claim or defence shall be taken into account in any subsequent suit for damages or compensation in respect of such claim or defence." In sub-section (*1*) of section 104 of the said Code,— (*i*) after clause (*f*) the following clause was inserted, namely :— "(*ff*) an order under section 35A" ; and (*ii*) after clause (*i*) the following proviso was inserted, namely :— "Provided that no appeal shall lie against any order specified in clause (*ff*) save on the ground that no order, or an order for the payment of a less amount, ought to have been made." To rule 33 of Order XLI of the First Schedule to the said Code, the following proviso was added, namely :— "Provided that the Appellate Court shall not make any order under section 35A, in pursuance of any objection on which the Court from whose decree the appeal is preferred has omitted or refused to make such order."	Act IX of 1922, s. 2. *Ibid*, s. 3. *Ibid*, s. 4.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
		I.—Acts of the Governor General in Council—contd.		
26	Newspapers (Incitements to Offences) Act, 1908 (VII of 1908).	The whole . .	....	Act XIV of 1922, s. 2.
27	Indian Limitation Act, 1908 (IX of 1908).	..	In section 5 for the words " by any enactment or rule " the words " by or under any enactment " were substituted.	Act X of 1922, s. 2.
			In section 29—	*Ibid*, s. 3.
			(*a*) for sub-section (*1*) the following sub-sections were substituted, namely :—	
			" 29. (*1*) Nothing in this Act shall affect section 25 of the Indian Contract Act, 1872. Savings.	
			(*2*) Where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed therefor by the First Schedule, the provisions of section 3 shall apply, as if such period were prescribed therefor in that Schedule, and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law—	
			(*a*) the provisions contained in section 4, sections 9 to 18, and section 22 shall apply only in so far as, and to the extent to which, they are not expressly excluded by such special or local law ; and	
			(*b*) the remaining provisions of this Act shall not apply," and	
			(*b*) sub-sections (*2*) and (*3*) were re-numbered (*3*) and (*4*), respectively.	
28	Indian Criminal Law Amendment Act, 1908 (XIV of 1908).	Sub-section (*3*) of section 1 and the whole of Part I and the Schedule	....	Act V of 1922, s. 3.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			I.—Acts of the Governor General in Council—contd.	
29	Indian Ports Act, 1908 (XV of 1908).	..	In section 6— (*a*) after sub-section (*1*), the following sub-section was inserted, namely :— "(*1A*) In addition to any rules which it is empowered to make under sub-section (*1*), the Local Government shall make rules prohibiting the employment at piers, jetties, landing-places, wharves, quays, docks, warehouses and sheds of children under the age of twelve years upon the handling of goods" ; and (*b*) in sub-section (*2*) after the word and figure "sub-section (*1*)" the words and figure "and sub-section (*1A*)" were inserted.	Act XV of 1922, s. 2.
30	Indian Emigration Act, 1908 (XVII of 1908).	The whole . .	....	Act VII of 1922, s. 33.
31	Indian Press Act, 1910 (I of 1910).	The whole * .	....	Act XIV of 1922, s. 2.
32	Indian Electricity Act, 1910 (IX of 1910).	..	For clause (*l*) of section 2 the following was substituted, namely :— "(*l*) 'service line' means any electric supply line through which energy is, or is intended to be, supplied by a licensee— (*i*) to a single consumer either from a distributing main or immediately from the licensee's premises, or (*ii*) from a distributing main to a group of consumers on the same premises or on adjoining premises supplied from the same point of the distributing main." In sub-clause (*ii*) of clause (*a*) of sub-section (*2*) of section 3 for the words "General Officer Commanding the Division," the words "Director of Military Works" were substituted.	Act I of 1922, s. 2. *Ibid*, s. 3.

* Order made under section 12 forfeiting any newspaper, book or other document, such order having been made before the commencement of the Press Law Repeal and Amendment Act, 1922, was not invalidated by reason of the repeal of the Indian Press Act, 1910, *vide* s. 2 (*2*) of the Press Law Repeal and Amendment Act, 1922.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
		I.—Acts of the Governor General in Council—contd.		
32	Indian Electricity Act, 1910 (IX of 1910)—*contd.*	..	In section 17—	Act I of 1922 s. 4.
			(*a*) in sub-section (*1*), for the words "not being service lines immediately attached or intended to be immediately attached to a distributing main," the words "not being either service lines" were substituted; and	
			(*b*) in sub-section (*2*), after the word "laying," the words "or placing" were inserted.	
		In sub-section (*2*) of section 17, the words "underground" and "immediately attached or intended to be immediately attached to a distributing main" were omitted.	....	*Ibid.*
			In section 18—	*Ibid*, s. 5.
			(*a*) for sub-section (*3*), the following sub-section was substituted, namely :—	
			"(*3*) Where any tree standing or lying near an aerial line, or where any structure or other object which has been placed or has fallen near an aerial line subsequently to the placing of such line, interrupts or interferes with, or is likely to interrupt or interfere with, the conveyance or transmission of energy or the accessibility of any works, a Magistrate of the first class or, in a Presidency-town or Rangoon, the Commissioner of Police, may, on the application of the licensee, cause the tree, structure or object to be removed or otherwise dealt with as he thinks fit"; and	
			(*b*) after sub-section (*4*), the following *Explanation* was added, namely :—	*Ibid*, s. 5.
			"*Explanation.*—For the purposes of this section, the expression "tree" shall be deemed to include any shrub, hedge, jungle-growth or other plant."	

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
32	Indian Electricity Act, 1910 (IX of 1910)—*contd.*	..	After section 19, the following section was inserted under the heading "*Supply*," namely :—	Act I of 1922, s. 6.
			"19A. For the purposes of this Act, the point at which the supply of energy by a licensee to a consumer shall be deemed to commence shall be determined in such manner as may be prescribed." (Point where supply is delivered.)	
			In section 20—	*Ibid*, s. 7.
			(*a*) in clause (*c*) of sub-section (*1*), after the word "supply-lines," the word "meters," was inserted ; and	
			(*b*) after sub-section (*2*), the following sub-section was added, namely :—	
			"(*3*) Where a consumer refuses to allow a licensee or any person authorised as aforesaid to enter his premises in pursuance of the provisions of sub-section (*1*) or sub-section (*2*), or, when such licensee or person has so entered, refuses to allow him to perform any act which he is authorised by those sub-sections to perform, or fails to give reasonable facilities for such entry or performance, the licensee may, after the expiry of twenty-four hours from the service of a notice in writing on the consumer, cut off the supply to the consumer for so long as such refusal or failure continues, but for no longer."	
			In section 21, sub-section (*2*) was re-numbered (*4*), and after sub-section (*1*), the following sub-sections were inserted, namely :—	*Ibid*, s. 8.
			"(*2*) Subject to the provisions of sub-section (*1*), a licensee may, with the previous sanction of the Local Government, given after consulting the local authority, where the licensee is not the local authority, make conditions not inconsistent with this Act or with his licence or with any rules made under this Act, to regulate his relations with persons who are or intend to become consumers, and may with the like sanction given after the like consultation add to or alter or amend any such conditions : and any conditions made by a licensee without such sanction shall be null and void :	

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Act of the Governor General in Council—contd.			
32	Indian Electricity Act, 1910 (IX of 1910)—*contd.*		Provided that any such conditions made before the 23rd day of January, 1922, shall, if sanctioned by the Local Government on application made by the licensee before such date as the Local Government may, by general or special order, fix in this behalf, be deemed to have been made in accordance with the provisions of this sub-section. (*3*) The Local Government may, after the like consultation, cancel any condition or part of a condition previously sanctioned under sub-section (*2*) after giving to the licensee not less than one month's notice in writing of its intention so to do." To section 23, the following sub-sections were added, namely:— "(*3*) In the absence of an agreement to the contrary, a licensee may charge for energy supplied by him to any consumer— (*a*) by the actual amount of energy so supplied, or (*b*) by the electrical quantity contained in the supply, or (*c*) by such other method as may be approved by the Local Government. (*4*) Any charges made by a licensee under clause (*c*) of sub-section (*3*) may be based upon, and vary in accordance with, any one or more of the following considerations, namely:— (*a*) the consumer's load factor, or (*b*) the power factor of his load, or (*c*) his total consumption of energy during any stated period, or (*d*) the hours at which the supply of energy is required." In section 24— . . . . . . (*a*) the first paragraph ending with the words "but no longer" was re-numbered as sub-section (*1*), and, in that sub-section as re-numbered, for the words "other sum" where they first occur, the words "sum, other than a charge for energy," were substituted; and	Act I of 1922, s. 8. *Ibid*, s. 9. *Ibid*, s. 10.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
		I.—Acts of the Governor General in Council—contd.		
32	Indian Electricity Act, 1910 (IX of 1910)—*contd.*	..	(*b*) the proviso was re-numbered sub-section (*2*), and to the sub-section the following proviso was added, namely:— "Provided that the prohibition contained in this sub-section shall not apply in any case in which the licensee has made a request in writing to the consumer for a deposit with the Electric Inspector of the amount of the licensee's charges or other sums in dispute or for the deposit of the licensee's further charges for energy as they accrue, and the consumer has failed to comply with such request."	Act I of 1922, s. 10.
		In sub-section (*2*), as re-numbered, of section 24, the words "Provided that."	....	*Ibid.*
		In sub-section (*6*) of section 26, the words "on the basis of the previous supply."	....	*Ibid*, s. 11.
			To sub-section (*6*) of section 26, the following proviso was added, namely:— "Provided that, before either a licensee or a consumer applies to the Electric Inspector under this sub-section, he shall give to the other party not less than seven days' notice of his intention so to do."	*Ibid.*
			To the third proviso to section 27, the following was added, namely:— "unless the Local Government, after such inquiry as it thinks fit, considers that such consent has been unreasonably withheld."	*Ibid*, s. 12.
		In sub-section (*1*) of section 28, the first proviso and the word "also" in the second proviso.	....	*Ibid*, s. 13.
			In clause (*b*) of sub-section (*1*) of section 30— (*a*) in sub-clause (*ii*) for the figures "1881" the figures "1911" were substituted; and (*b*) after sub-clause (*iii*), the following was inserted, namely:— "or (*iv*) to which the Local Government, by general or special order, declares the provisions of this sub-section to apply."	*Ibid*, s. 14.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			I.—Acts of the Governor General in Council—contd.	
32	Indian Electricity Act, 1910 (IX of 1910)—*contd.*	..	For sub-section (*1*) of section 33 the following sub-section was substituted, namely:— "(*1*) If any accident occurs in connection with the generation, transmission, supply or use of energy in, or in connection with, any part of the electric supply-lines or other works of any person, and the accident results or is likely to have resulted in loss of life or personal injury, such person shall give notice of the occurrence, and of any loss of life or personal injury actually occasioned by the accident, in such form and within such time and to such authorities as the Local Government may, by general or special order, direct."	Act I 1922, 15.
		Sub-section (*3*) of section 35.	....	*Ibid*, s. 16
			In section 35, sub-section (*4*) was re-numbered (*3*), and in sub-section (*3*) as re-numbered, clauses (*a*), (*b*) and (*c*) were re-numbered (*b*), (*c*) and (*d*), respectively, and the following was inserted as clause (*a*), namely:— "(*a*) determine the number of members of which any such Board shall be constituted and the manner in which such members shall be appointed."	*Ibid.*
			To sub-section (*3*) of section 36, the words "or, if the Governor General in Council or the Local Government, as the case may be, by general or special order, so directs, to an Advisory Board" were added.	*Ibid*, s. 17
		In section 37, in clause (*j*) of sub-section (*2*), the word "and" at the end.	....	*Ibid*, s. 1
			After clause (*k*) of sub-section (*2*) of section 37, the following was inserted, namely:— "and (*l*) provide for any matter which is to be or may be prescribed"; and sub-section (*3*) was re-numbered (*4*), and the following sub-section was inserted after sub-section (*2*), namely:— "(*3*) Any rules made in pursuance of clause (*f*) or clause (*h*) of sub-section (*2*) shall be binding on the Crown."	*Ibid.*

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
32	Indian Electricity Act, 1910 (IX of 1910)—*contd.*	..	In section 44,— (*a*) for the words "three hundred" and "thirty," the words "five hundred" and "fifty," respectively, were substituted; (*b*) for the words "the existence of artificial means," the words "if it is proved that any artificial means exist" were substituted; (*c*) for the words "shall, where," the words "and that" were substituted; and (*d*) for the words "be *primâ facie* evidence," the words "it shall be presumed, until the contrary is proved," were substituted.	Act I of 1922, s. 19.
			In section 51, for the words "Governor General in Council" in both places where they occur, the words "Local Government" were substituted.	*Ibid*, s. 20.
			In clause (*a*) of sub-section (*1*) of section 53, for the words "the Secretary in the Public Works Department," the words "such officer as the Governor General in Council or the Local Government, as the case may be, may designate in this behalf" were substituted.	*Ibid*, s. 21.
			In section 55, after the word and figures "section 18," the words, figures and brackets "or section 34, sub-section (*2*)" were inserted.	*Ibid*, s. 22.
			In sub-clause (*1*) of clause VI of the Schedule— (*a*) after the word "where" where it first occurs, the words "after distributing mains have been laid down under the provisions of clause IV or clause V and the supply of energy through those mains or any of them has commenced," were inserted; (*b*) for the words "one hundred yards from any distributing main," the words "the area of supply" were substituted; (*c*) after the words "within one month from the making of the requisition," the words "or within such longer period as the Electric Inspector may allow" were inserted; (*d*) to clause (*d*) of the second proviso, the following words were added, namely:— "but the licensee shall re-connect the supply with all reasonable speed on the cessation of the act or default or both, as the case may be, which entitled him to discontinue it"; and (*e*) in the fourth proviso—	*Ibid*, s. 23.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			I.—Acts of the Governor General in Council—contd.	
32	Indian Electricity Act, 1910 (IX of 1910)—*contd.*	..	(*i*) for the words "in the event of any requisition being made for a supply of energy from any distributing main of which," the words "if any requisition is made for a supply of energy and" were substituted; and (*ii*) for the word "it" in clause (*a*), the words "the nearest distributing main" were substituted.	
			For clause VII of the Schedule, the following was substituted, namely:— "VII. The licensee shall, before commencing to lay down or place a service line in any street in which a distributing main has not already been laid down or placed, serve upon the local authority (if any) and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the service line so to be laid down or placed twenty-one days' notice stating that the licensee intends to lay down or place a service line, and intimating that, if within the said period the local authority or any five or more of such owners or occupiers require, in accordance with the provisions of the licence, that a supply shall be given for any public lamps or to their premises, as the case may be, the necessary distributing main will be laid down or placed by the licensee at the same time as the service line." Further provisions as to laying of service lines.	Act I of 1922, s. 24.
			In sub-clause (*l*) of clause VIII of the Schedule— (*a*) after the word "where" the words "after distributing mains have been laid down under the provisions of clause IV or clause V and the supply of energy through those mains or any of them has commenced" were inserted; and (*b*) for the words "distance of one hundred yards from any distributing main," the words "area of supply" were substituted.	*Ibid*, s. 25
		In clause X of the Schedule the first part of the clause up to and including sub-clause (*c*).	....	*Ibid*, s. 26

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
		I.—Acts of the Governor General in Council—contd.		
32	Indian Electricity Act, 1910 (IX of 1910)—*contd.*	..	In clause X of the Schedule, the first proviso was re-numbered sub-clause (*1*).	Act I of 1922, s. 26.
		In sub-clause (*1*), as re-numbered, of clause X of the Schedule, the words "Provided, first, that."	....	*Ibid.*
			In sub-clause (*1*), as re-numbered, of clause X of the Schedule, for the words "so approved by the Local Government," the words, figures and brackets "approved by the Local Government in accordance with section 23, sub-section (*3*), clause (*c*), of the Indian Electricity Act, 1910" were substituted.	*Ibid.*
			In clause X of the Schedule, the second proviso was re-numbered sub-clause (*2*).	*Ibid.*
		In sub-clause (*2*), as re-numbered, of clause X of the Schedule, the words "Provided, secondly, that."	....	*Ibid.*
			In clause X of the Schedule, the third proviso was re-numbered sub-clause (*3*).	*Ibid.*
		In sub-clause (*3*), as re-numbered, of clause X of the Schedule, the words "Provided, thirdly, that."	....	*Ibid.*
		In the first proviso to clause XI of the Schedule, the words "or is satisfied."	....	*Ibid*, s. 27.
			In the first proviso to clause XI of the Schedule, for the words "may, after such inquiry (if any) as it thinks fit, make an order accordingly," the following was substituted, namely :— "shall refer the matter to an Advisory Board and, if the Board recommends any alteration, may make an order in accordance with such recommendation."	*Ibid.*

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
32	Indian Electricity Act, 1910 (IX of 1910)—*concld.*	..	After clause XI of the Schedule the following clause was inserted, namely :—	Act I of 1922, s. 28.
			"XIA. A licensee may charge a consumer a minimum charge for energy of such amount and determined in such manner as may be specified by his licence, and such minimum charge shall be payable notwithstanding that no energy has been used by the consumer during the period for which such minimum charge is made." Minimum charges.	
			In clause XVI of the Schedule—	*Ibid*, s. 29.
			(*a*) in sub-clause (*1*), for the words "and the approximate height above or depth," the words "and, in the case of underground works, the approximate depth" were substituted ;	
			(*b*) for sub-clause (*2*), the following was substituted, namely :—	
			"(*2*) Every such plan shall be drawn to such scale as the Local Government may require : provided that no scale shall be required unless maps of the locality on that scale are for the time being available to the public" ; and	
			(*c*) for sub-clause (*3*), the following was substituted, namely :—	
			"(*3*) Every such section shall be drawn to horizontal and vertical scales which shall be such as the Local Government may require."	
33	Indian Museum Act, 1910 (X of 1910).	..	In clause (*a*) of sub-section (*1*) of section 2—	Act XVII of 1922, s. 2.
			(*a*) for the word "six" the word "seven" was substituted ;	
			(*b*) for sub-clause (*iv*) the following sub-clause was substituted, namely :—	
			"(*iv*) the Director, Zoological Survey of India ; and"	

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
33	Indian Museum Act, 1910 (X of 1910)—*contd.*	In clause (*a*) of sub-section (*1*) of section 2, the word "and" at the end of sub-clause (*v*).	....	Act XVII of 1922, s. 2.
			Sub-clause (*vi*) of clause (*a*) of sub-section (*1*) of section 2 was re-numbered sub-clause (*vii*); and after sub-clause (*v*) the following sub-clause was inserted, namely:— "(*vi*) the Superintendent, Archæological Section of the Museum; and"	*Ibid.*
34	Indian Army Act, 1911 (VIII of 1911).	..	Provisions of the Indian Emigration Act, 1922, not applicable to any person enrolled under the Indian Army Act, 1911.	Act VII of 1922, s. 31.
35	Indian Factories Act, 1911 (XII of 1911).	..	In section 2— (*a*) in clause (*1*) for the word "fourteen" the word "fifteen" was substituted; (*b*) for clause (*3*) the following clause was substituted, namely:— "(*3*) 'factory' means— (*a*) any premises wherein, or within the precincts of which, on any one day in the year not less than twenty persons are simultaneously employed and steam, water or other mechanical power or electrical power is used in aid of any process for, or incidental to, making, altering, repairing, ornamenting, finishing, or otherwise adapting for use, for transport or for sale any article or part of an article; or (*b*) any premises wherein, or within the precincts of which, on any one day in the year not less than ten persons are simultaneously employed and any such process is carried on, whether any such power is used in aid thereof or not which have been declared by the Local Government, by notification in the local official Gazette, to be a factory;	Act II of 1922, s. 2.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
		I.—Acts of the Governor General in Council—contd.		
35	Indian Factories Act, 1911 (XII of 1911)—*contd.*	..	A declaration under clause (*b*) may be made in respect of any class of premises, or in respect of any particular premises;" (*c*) for clauses (*8*) and (*9*), the following clause was substituted, namely:— "(*8*) 'week' means the period between midnight on Saturday night and midnight on the succeeding Saturday night."	
		Clause (*4*) of section 2.	....	
			For section 3 the following section was substituted, namely:— "3. Nothing in this Act shall apply to any mine subject to the operation of the Indian Mines Act, 1901." Application of Act.	Act II of 1922, s. 3 and Sch. II. *Ibid*, s. 3.
			In section 7, for sub-section (*2*) the following sub-sections were substituted, namely:— "(*2*) A certifying surgeon may revoke any certificate granted to a child under sub-section (*1*), if, in his opinion, the child is no longer fit for employment in a factory. (*3*) Where a certifying surgeon refuses to certify that a person is fit for employment in a factory or revokes a certificate granted to a child in this behalf, he shall, if required by such person or child, or by the parent or guardian of such person or child, or by the manager of the factory in which such person or child desires to be employed, state in writing his reasons for such a refusal or revocation."	*Ibid*, s. 4.
			In section 8— (*a*) for the words "any person practising medicine or surgery," the words "any registered practitioner" were substituted; (*b*) in the proviso, for the words "after the first date" to the end of the section, the words "for a period of more than three months" were substituted; (*c*) after the proviso, the following *Explanation* was added, namely:— "*Explanation.*—In this section the expression 'registered practitioner' means any person	*Ibid*, s. 5.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			I.—Acts of the Governor General in Council—contd.	
35	Indian Factories Act, 1911 (XII of 1911)—*contd.*	..	registered under the Medical Act, 1858, or any Act amending the same or under any Act of any Legislature in British India providing for the maintenance of a register of medical practitioners, and includes, in any area where no such last-mentioned Act is in force, any person declared by the Local Government, by notification in the local official Gazette, to be a registered practitioner for the purposes of this section."	
			After section 8 in Chapter II the following section was inserted, namely :—	Act II of 1922, s. 6.
			"8A. Where an Inspector is of opinion that a child employed in a factory is no longer fit for employment, he may serve on the manager of the factory a notice requiring that such child shall cease to be employed until he has been re-examined by a certifying surgeon or by a registered practitioner authorised by a certifying surgeon in this behalf." Compulsory medical examination.	
			To section 9 the following clause was added, namely :—	*Ibid*, s. 7.
			"(*d*) the atmosphere shall not be rendered so humid by artificial means as to be injurious to the health of the persons employed therein."	
			In clause (*c*) of sub-section (*1*) of section 18, after the word "machinery," the words "and electrical fittings including live wires and switches" were inserted.	*Ibid*, s. 8.
			After section 18 the following section was inserted, namely :—	*Ibid*, s. 9.
			"18A. (*1*) If an Inspector is of opinion— Repairs to buildings or machinery.	
			(*a*) that any factory or part thereof is in such a condition as to be dangerous to human life or safety, or	
			(*b*) that any part of the ways, works, machinery or plant used in factory is in such a condition that it cannot be used without danger to human life safety,	

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Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			I.—Acts of the Governor General in Council—contd.	
35	Indian Factories Act, 1911 (XII of 1911)—*contd.*		he may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for removing the danger, and requiring him to carry them out before such date as may be specified therein. (*2*) If, in the opinion of the Inspector, the use of any part of the ways, works, machinery or plant in a factory involves imminent danger to human life, he may serve on the manager of the factory an order in writing prohibiting the use thereof until it is duly repaired or altered." After section 19 the following sections were inserted, namely :— " 19A. Where, in the opinion of the Inspector, the presence in any factory or any part thereof of children, who, by reason of their age, cannot, under the provisions of this Act, be lawfully employed therein, involves danger to, or injury to the health of, such children, he may serve on the manager of such factory an order in writing prohibiting the admission of such children to the factory or part thereof. Power to prohibit presence of children in factories. 19B. No person under the age of eighteen years and no woman shall be employed in any factory in any of the operations specified in Part I of the Schedule, or, save in accordance with the regulations contained in Part II of the Schedule, in any operation involving the use of lead compounds." Prohibition of employment of women and persons under eighteen years in certain processes. In the proviso to section 20, after the word " roof," the words " or to such height as the Inspector may, in any particular case, specify " were inserted. For section 21 the following section was substituted, namely :— " 21. (*1*) In every factory there shall be fixed,— Rest periods in factories. (*a*) for each person employed on each working day— (*i*) at intervals not exceeding six hours, periods of rest of not less than one hour, or	Act II of 1922, s. 10. *Ibid*, s. 11. *Ibid*, s. 12.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			I.—Acts of the Governor General in Council—contd.	
35	Indian Factories Act, 1911 (XII of 1911)—*contd.*	..	(*ii*) at the request of the employees concerned, periods of rest of not less than half an hour each so arranged that for each period of six hours' work done, there shall be periods of rest of not less than one hour's duration in all, and that no person shall work for more than five hours continuously, and (*b*) for each child working more than five and a half hours in any day, a period of rest of not less than half an hour.	Act II of 1922, s. 12
			(*2*) The period of rest under clause (*b*) shall be so fixed that no such child shall be required to work continuously for more than four hours."	
			To clause (*b*) of sub-section (*1*) of section 22 the following proviso was added, namely :— " Provided that no such substitution shall be made as will result in any person working for more than ten consecutive days without a holiday for a whole day."	*Ibid*, s. 13.
		Sub-sections (*2*), (*3*) and (*4*) of section 22.	....	*Ibid*, s. 33 and Sch II.
			(*1*) In clause (*a*) of section 23 for the word " nine " the word " twelve " was substituted. (*2*) In clause (*c*) of section 23 for the word " seven " the word " six " was substituted. (*3*) The provisions of clause (*a*) of section 23, as amended, shall not apply to any child lawfully employed in a factory on or before the first day of July, 1921.	*Ibid*, s. 14.
			In section 25 after the word " child " the words " or, save in such circumstances as may be prescribed any other person " were inserted.	*Ibid*, s. 15.
			In section 26 for the words " woman or child " and the words " woman and child " the word " person " was substituted.	*Ibid*, s. 16.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
35	Indian Factories Act, 1911 (XII of 1911)—*contd.*	..	For section 27 the following sections were substituted, namely :—	Act II of 1922, s. 17.
			" 27. No person shall be employed in a factory for more than sixty hours in any one week. (Limitation of working hours per week.)	
			28. No person shall be employed in any factory for more than eleven hours in any one day." (Limitation of working hours per day.)	
			For Chapter V the following Chapter was substituted, namely :—	*Ibid*, s. 18.
			" CHAPTER V.	
			EXCEPTIONS.	
			29. Nothing in any of the following sections, namely, 21, 22, 24, 26, 27 and 28, shall apply to persons who may, by rules made by the Local Government under this Act, be defined to be persons holding positions of supervision or management or to persons employed in a confidential capacity. (Exceptions for persons holding positions of supervision, etc.)	
			30. (*1*) Where it is proved to the satisfaction of the Local Government— (Exemptions.)	
			(*a*) that any class of work in a factory is in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory ; or	
			(*b*) that the work of any class of workers is essentially intermittent : or	
			(*c*) that there is in any class of factories any work which necessitates continuous production for technical reasons ; or	

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Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			I.—Acts of the Governor General in Council—contd.	
35	Indian Factories Act, 1911 (XII of 1911)—*contd.*	..	(*d*) that any class of factories supplies the public with articles of prime necessity which must be made or supplied every day; or (*e*) that in any class of factories the work performed, by the exigencies of the trade or by its nature, cannot be carried on except at stated seasons or at times dependent on the irregular action of natural forces; the Local Government may, subject to the control of the Governor General in Council, by notification in the local official Gazette, exempt on such conditions, if any, as it may impose— in case (*a*) such class of work from all or any of the provisions of sections 27 and 28; in case (*b*) work of the nature described from all or any of the provisions of sections 22, 27 and 28; in case (*c*) work of the nature described from the provisions of sections 21 and 22; in cases (*d*) and (*e*) such class of factories from the provisions of section 22. (*2*) The Local Government may, by general or special order, exempt for such period as may be specified in the order and on such conditions, if any, as it may impose, any factory from all or any of the provisions of sections 21, 22, 27 and 28, on the ground that such exemption is necessary in order to enable such factory to deal with an exceptional press of work. (*3*) In such circumstances and subject to such conditions as may be prescribed, nothing in section 21, section 22, section 27 or section 28 shall apply to work on urgent repairs. 31. Where, under the provisions of sub-section (*1*) of section 30, any factory has been exempted from the provisions of section 27, every person employed in such factory for more than sixty hours in any one week shall Payment for overtime.	Act II of 1922, s. 18.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			I.—Acts of the Governor General in Council—contd.	
35	Indian Factories Act, 1911 (XII of 1911)—*contd.*	..	be paid, in respect of the overtime, at a rate which shall be at least one and a quarter times the rate at which he is normally paid.	
			32. The Local Government may, subject to the control of the Governor General in Council, by notification in the local official Gazette, exempt any indigo factory or any factory situated on, and used solely for the purposes of, a tea or coffee plantation, from all or any of the provisions of sections 21 and 22, on such conditions, if any, as it may impose." Special exemptions for indigo, tea and coffee factories.	
			In sub-section (*1*) of section 33 for clauses (*a*), and (*b*), the words "on or before the date on which the factory commences working as such" were substituted.	Act II of 1922, s. 19.
			For section 35 the following section was substituted, namely :—	*Ibid*, s. 20.
			"35. In every factory there shall be kept, in the prescribed form, a register of all the persons employed in such factory, of their hours of work and of the nature of their respective employment." Register of workers.	
			In section 36—	*Ibid*, s. 21.
			(*a*) for clause (*b*) of sub-section (*1*), the following was substituted, namely :— "(*b*) the periods of rest fixed under section 21" ; (*b*) in clause (*d*) of sub-section (*1*), for the words "women and children, respectively, if not employed in shifts," the words "all persons employed" were substituted ; (*c*) after clause (*d*) of sub-section (*1*), the following was inserted, namely :— "(*e*) the weekly holidays fixed under section 22."	
		Sub-section (*4*) of section 36.	....	*Ibid*, s. 33 and Sch. II.
			In sub-section (*2*) of section 37—	*Ibid*, s. 22.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
		I.—Acts of the Governor General in Council—contd.		
25	Indian Factories Act, 1911 (XII of 1911)—*contd.*	..	(*a*) in clause (*g*), after the word "ventilation," the words "and artificial humidification" were inserted;	
			(*b*) in clause (*j*), after the word "machinery," the words "and electrical fittings" shall be inserted;	
			(*c*) after clause (*j*), the following clause shall be inserted, namely:—	
			"(*jj*) the definition of 'persons' under section 29 who shall be deemed to be persons holding positions of supervision or management or persons employed in a confidential capacity."	
		The words "from time to time" in section 38.	....	Act II of 1922, s. 33 and Sch. II.
			After section 38 the following section was inserted, namely:—	*Ibid*, s. 23.
			"38A. The Governor General in Council may make rules for the adequate disinfection of wool used in factories which may be infected with anthrax spores." Rules for prevention of anthrax.	
			In section 39—	*Ibid*, s. 24.
			(*a*) in sub-section (*1*), for the word and figures "section 38," the words and figures "sections 38 and 38A" were substituted;	
			(*b*) in sub-section (*2*), for the words and figures "sections 37 and 38," the words and figures "sections 37, 38 and 38A" were substituted.	
			In section 41—	*Ibid*, s. 25.
			(*a*) in clause (*f*), for the words "machinery or boilers," the words "machinery, electrical fittings or boilers" were substituted;	
			(*b*) in clause (*g*), for the words and figures "or section 18," the words and figures "section 18, section 18A or section 19B" were substituted;	

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Serial No	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			I.—Acts of the Governor General in Council—contd.	
35	Indian Factories Act, 1911 (XII of 1911)—*contd.*	..	(*c*) for the words "two hundred," the words "five hundred" were substituted.	
			In section 43, for the words "two hundred" the words "five hundred" were substituted.	Act II of 1922, s. 26.
			After section 43 the following section was inserted, namely:—	*Ibid*, s. 27.
			"43A. Where under this Act a Criminal Court imposes a fine or confirms, in appeal, revision or otherwise, a sentence of fine in respect of an offence causing bodily injury or death, the Court may, when passing judgment, order the whole or any part of the fine recovered to be paid as compensation to the person injured or, in the case of his death, to his legal representative:	
			Power of Court to pay compensation out of fine.	
			Provided that, if the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed or, if an appeal has been presented, before the decision of the appeal."	
			In section 48 at the end of sub-section (*2*), the words and figures "or section 44" were added.	*Ibid*, s. 28.
			In section 50—	*Ibid*, s. 29.
			(*a*) in sub-section (*1*), for the words and figures "or section 18" the words and figures "section 18, section 18A or section 19A" were substituted;	
			(*b*) after sub-section (*3*) the following sub-section was inserted, namely:—	
			"(*4*) Except in the case of an appeal against an order under section 19A, the appellate authority may, on the application of the appellant, suspend the operation of an order of the Inspector pending the decision of the appeal. But where no such suspension has been granted, such order shall be complied with notwithstanding the fact that an appeal has been presented."	

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
35	Indian Factories Act, 1911 (XII of 1911)—*contd.*	..	In sub-section (*2*) of section 51 for the words and figures "section 24, clause (*a*) and section 29," the words and figures "and section 24, clause (*a*)" were substituted.	Act II of 1922, s. 30.
			In section 52 for the words and figures "section 28 and section 32," the words and figures "section 27, section 28 and section 31" were substituted.	*Ibid*, s. 31.
		Sections 55 and 59.	....	*Ibid*, s. 33 and Sch. II.
			For Schedules I and II the following Schedule was substituted, namely :—	*Ibid*, s. 32.
			"THE SCHEDULE. (*See section 19B.*) PART I. 1. Work at a furnace where the reduction or treatment of zinc or lead ores is carried on : 2. The manipulation, treatment, or reduction of ashes containing lead, the desilverising of lead or the melting of scrap lead or zinc : 3. The manufacture of solder or alloys containing more than ten per cent. of lead. 4. The manufacture of any oxide, carbonate, sulphate, cromate, acetate, nitrate, or silicate of lead : 5. Mixing or pasting in connection with the manufacture or repair of electric accumulators : 6. The cleaning of work-rooms where any of the processes aforesaid are carried on. PART II. 1. Where dust or fume from a lead compound is produced in the process, provision must be made for drawing the fume or dust away from the persons employed by means of an	

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Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			I.—Acts of the Governor General in Council—contd.	
35	Indian Factories Act, 1911 (XII of 1911)—*concld.*	..	efficient exhaust draught so contrived as to operate on the dust or fume as nearly as may be at its point of origin : 2. The persons employed must undergo the prescribed medical examination at the prescribed intervals, and the prescribed record must be kept with respect to their health : 3. No food, drink, or tobacco, shall be brought into or consumed in, any room in which the process is carried on, and no person shall be allowed to remain in any such room during meal times ; 4. Adequate protective clothing in a clean condition shall be provided by the employer and worn by the persons employed : 5. Such suitable cloak-room, mess-room and washing accommodation as may be prescribed shall be provided for the use of the persons employed : 6. The rooms in which the persons are employed, and all tools and apparatus used by them, shall be kept in a clean condition."	
36	Indian Lunacy Act, 1912 (IV of 1912).	..	In section 3— (*a*) in clause (*1*), after the word "asylum" where it occurs for the second time, the words "or mental hospital" were inserted ; and (*b*) to clause (*2*) the following was added, namely :— "together with any other charges specified in this behalf by the Governor General in Council, in exercise of any power conferred upon him by this Act." To section 84 the following words were added, namely :— "if it is satisfied that provision has been or will be made for the curative treatment therein of persons suffering from mental diseases."	Act VI of 1922, s. 2. *Ibid*, s. 3.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			I.—Acts of the Governor General in Council—contd.	
36	Indian Lunacy Act, 1912 (IV of 1912)—*contd.*	..	After section 84 the following section was inserted, namely:—	Act VI of 1922, s. 4.
			"84A. If in any licensed asylum no provision for curative treatment has been made, or the Local Government considers that the provision made is insufficient, the Local Government may require the person in charge of the asylum to take such measures for making or supplementing such provision as it may deem necessary, and, if such person does not comply with the requisition within a reasonable time, the Local Government may revoke the licence." Power to cancel licence if provision for curative treatment is insufficient.	
			After section 89 the following sections were inserted, namely:—	*Ibid*, s. 5.
			"89A. The Governor General in Council may, by general or special order, prescribe the amount payable on account of the cost of maintenance of lunatics detained in any asylum for the cost of whose maintenance any Local Government is liable, and the proportions in which such amount shall be payable respectively by the Local Governments so liable. Any such amount may include charges on account of the upkeep of the asylum and of the capital cost of the establishment of the asylum. Fixation of cost of maintenance.	
			89B. (*1*) When under the provisions of this Act the cost of the maintenance of a lunatic is payable by the Government, then such cost shall be payable— Incidence of costs of maintenance payable by Government.	
			(*a*) in the case of a lunatic not domiciled in British India, by the Local Government of the province in which the reception order or the order under section 25, as the case may be, was made; and	
			(*b*) in the case of a lunatic domiciled in British India, by the Local Government of the province in which the	

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
		I.—Acts of the Governor General in Council—contd.		
36	Indian Lunacy Act, 1912 (IV of 1912)—*concld.*		lunatic has last resided for a period of five years before the reception order or the order under section 25, as the case may be, was made; or, if the lunatic has not been resident in any one province for such period, by the Local Government of the province in which such order was made.	
			(*2*) If any question arises as to the incidence of the cost of maintenance of any lunatic under sub-section (*1*), the question shall be referred to the Governor General in Council, and his decision thereon shall be final."	
			Monies payable under the Act on account of maintenance of any lunatic in the Ranchi Mental Hospital to be paid to the Board of Trustees for that Hospital.	Act XIII of 1922, s. 7.
			The Ranchi Mental Hospital to be deemed to be an asylum established by Government for all purposes of the Act.	*Ibid*, s. 21.
37	Official Trustees Act, 1913 (II of 1913).	..	To section 2 after clause (*6*) the following clause was added, namely:—	Act XXI of 1922, s. 2.
			"(*7*) 'revenues of the Government' means, in respect of any part of India in which the powers and duties of the Government under this Act are exercised and discharged by a Local Government, the revenues allocated to that Government under the Government of India Act."	
		In section 15, the words "of India" where they first occur.	....	*Ibid*, s. 3.
			In section 15, after the word "revenues," where it occurs for the second time in sub-section (*1*), and after the same word in sub-section (*2*), the words "of the Government or" were inserted.	*Ibid.*
		In sections 17, 18, 23 and 24, the words "of India" wherever they occur.	....	*Ibid*, s. 4.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
		I.—Acts of the Governor General in Council—contd.		
38	Administrator General's Act, 1913 (III of 1913).	..	To section 2 after clause (*10*) the following clause was added, namely :—	Act XXI of 1922, s. 5.
			"(*11*) 'revenues of the Government' means, in respect of any part of India in which the powers and duties of the Government under this Act are exercised and discharged by a Local Government, the revenues allocated to that Government under the Government of India Act."	
		In sub-section (*1*) of section 39 the words "of India" where they first occur.	....	*Ibid.*, s. 6.
		..	In section 39—	*Ibid.*
			(*a*) in sub-section (*1*), after the word "revenues," where it occurs for the second time, the words "of the Government or" were inserted; and	
			(*b*) in sub-section (*2*), after the words "to render" the words "the Government or" were inserted.	
		In sections 42, 43, 52 and 53, the words "of India" wherever they occur.	....	*Ibid.*, s. 7.
39	Defence of India (Criminal Law Amendment) Act, 1915 (IV of 1915).	The whole . .	....	Act IV of 1922, s. 3 and Sch.
40	Benares Hindu University Act. 1915 (XVI of 1915).	..	For sub-section (*2*) of section 9 the following was substituted, namely :—	Act III of 1922, s. 2.
			"(*2*) No person not being a Hindu shall become or be appointed a member of any Court other than the first Court unless he has been a member of the first Court."	
41	Defence of India(Amendment) Act, 1916 (II of 1916).	The whole . .	....	Act IV o 1922,s. f 3 and Sch.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—contd.			
42	Motor Spirit (Duties) Act, 1917 (II of 1917).	..	With effect from the first day of March, 1922, the provisions which provide for the levy and collection of an excise duty on motor spirit, that is to say, all the provisions of that Act except section 6 thereof, were made applicable under certain conditions also for the purpose of the levy and collection of an excise duty on kerosene as if references in the Act to motor spirit (other than the reference in the second clause of section 2 thereof) were references to kerosene.	Act XII of 1922, s. 5.
43	Freight (Railway and Inland Steam-vessel) Tax Act, 1917 (XIII of 1917).	The whole	....	Act XII of 1922, s. 8.
44	Indian Transfer of Ships Restriction Act, 1917 (XX of 1917).	The whole . .	....	Act XXIII of 1922, s. 2.
45	Indian Income-Tax Act, 1918 (VII of 1918).	The whole[1] . .	....	Act XI of 1922, s. 68 and Sch.
46	Indian Income-tax (Amendment) Act, 1919 (IV of 1919).	The whole . .	....	*Ibid.*
47	Anarchical and Revolutionary Crimes Act, 1919 (XI of 1919).	The whole . .	....	Act IV of 1922, s. 3 and Sch.
48	Repealing and Amending Act, 1919 (XVIII of 1919).	So much of the First Schedule as related to the Indian Income-tax Act, 1918.	....	Act XI of 1922, s. 68 and Sch.

[1] The provisions of section 19 were, however, made applicable, as far as may be, to all assessments made under the Act in the year ending on the 31st day of March, 1922. See. s. 68 of Act XI of 1922.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	I.—Acts of the Governor General in Council—concld.			
49	Indian Income-tax (Amendment) Act, 1920 (XVII of 1920).	The whole . .	....	Act XI of 1922, s. 68 and Sch.
50	Super-tax Act, 1920 (XIX of 1920).	The whole . .	....	*Ibid.*
51	Repealing and Amending Act, 1920 (XXXI of 1920).	So much of the First Schedule as related to the Super-tax Act, 1920.	....	*Ibid.*
52	Devolution Act, 1920 (XXXVIII of 1920).	So much of the First Schedule as related to sub-section (*3*) of section 1 and to sub-section (*1*) of section 2 of the Indian Criminal Law Amendment Act, 1908.	....	Act V of 1922, s. 3.
53	Indian Income-tax (Amendment No. 2) Act, 1920 (XLIV of 1920).	The whole . .	....	Act XI of 1922, s. 68 and Sch.
54	Indian Paper Currency (Amendment) Act, 1920 (XLV of 1920).	..	In sub-section (*3*) of section 13, for the figure "1921" the figure "1923" was substituted with effect from the 1st day of April, 1921.	Act XII of 1922, s. 6.
	II.—Acts of the Indian Legislature.			
55	Indian Finance Act, 1921 (VI of 1921).	With effect from the first day of March, 1922, s. 2 and the First Schedule.	....	Act XII of 1922, s. 3 (*2*).

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Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			II.—Acts of the Indian Legislature—contd.	
56	Indian Income-tax Act, 1922 (XI of 1922).	..	Total income as defined in clause (*15*) of section 2 corresponds to "total income" for the purposes of the Third Schedule of the Indian Finance Act, 1922.	Act XII of 1922, s. 7.
57	Indian Income-tax Act, 1918 (VII of 1918).	..	Provisions of section 19 to apply, as far as may be, to all assessments made under the Act in the year ending on the 31st day of March, 1922.	
58	Indian Income-tax Act, 1922 (XI of 1922).	..	Income-tax for the year beginning on the first day of April, 1922, was charged at the rates specified below:—	Act XII of 1922, s. 7.
			A. In the case of every individual, every unregistered firm and every undivided Hindu family— — Rate.	
			(1) When the total income is less than Rs. 2,000. — *Nil.*	
			(2) When the total income is Rs. 2,000 or upwards, but is less than Rs. 5,000. — Five pies in the rupee.	
			(3) When the total income is Rs. 5,000 or upwards but is less than Rs. 10,000. — Six pies in the rupee.	
			(4) When the total income is Rs. 10,000 or upwards, but is less than Rs. 20,000. — Nine pies in the rupee.	
			(5) When the total income is Rs. 20,000 or upwards, but is less than Rs. 30,000. — One anna in the rupee.	
			(6) When the total income is Rs. 30,000 or upwards, but is less than Rs. 40,000. — One anna and three pies in the rupee.	
			(7) When the total income is Rs. 40,000 or upwards. — One anna and six pies in the rupee.	
			B. In the case of every company, and every registered firm, whatever its total income. — One anna and six pies in the rupee.	

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
			II.—Acts of the Indian Legislature—contd.	
58	Indian Income-tax Act, 1922 (XI of 1922)—*contd.*	..	The rates of super-tax for the year beginning on the first day of April, 1922, were for the purposes of section 55, those specified below :— In respect of the excess over fifty thousand rupees of total income :— Rate. (1) in the case of every company One anna in the rupee. (2) (*a*) in the case of every Hindu undivided family— (*i*) in respect of the first twenty-five thousand rupees of the excess. *Nil.* (*ii*) for every rupee of the next twenty-five thousand rupees of such excess. One anna in the rupee. (*b*) in the case of every individual and every unregistered firm, for every rupee of the first fifty thousand rupees of such excess. One anna in the rupee. (*c*) in the case of every individual, every unregistered firm and every Hindu undivided family— (*i*) for every rupee of the second fifty thousand rupees of such excess. One and a half annas in the rupee. (*ii*) for every rupee of the next fifty thousand rupees of such excess. Two annas in the rupee. (*iii*) for every rupee of the next fifty thousand rupees of such excess. Two and a half annas in the rupee. (*iv*) for every rupee of the next fifty thousand rupees of such excess. Three annas in the rupee. (*v*) for every rupee of the next fifty thousand rupees of such excess. Three and a half annas in the rupee (*vi*) for every rupee of the next fifty thousand rupees of such excess. Four annas in the rupee.	Act XII of 1922, s. 7.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
		II.—Acts of the Indian Legislature—concld.		
58	Indian Income-tax Act, 1922 (XI of 1922)—*concld.*	..	Rate. (*vii*) for every rupee of the next fifty thousand rupees of such excess. — Four and a half annas in the rupee. (*viii*) for every rupee of the next fifty thousand rupees of such excess. — Five annas in the rupee. (*ix*) for every rupee of the next fifty thousand rupees of such excess. — Five and a half annas in the rupee. (*x*) for every rupee of the remainder of the excess. — Six annas in the rupee	
		III.—Regulations made by the Governor General in Council.		
59	Sonthal Parganas Settlement Regulation, 1872 (II of 1872).	So much of the Schedule as related to the Bengal State Offences Regulation, 1804.	....	Act IV of 1922, s. 3 and Sch.
60	Ajmer Laws Regulation, 1877 (III of 1877).	So much of the Second Schedule as related to the Bengal State Offences Regulation, 1804.	....	*Ibid.*
61	Assam Forest Regulation, 1891 (VII of 1891).	In sub-section (*1*) of section 37, the words "with the previous sanction of the Governor-General in Council."	....	Reg. I of 1922, s. 2.
			To sub-section (*1*) of section 37 the following proviso was added, namely:— "Provided that a notification directing the levy of a duty, in the case of forest produce brought from any place beyond the frontier of British India, which is not under the control of the Local Government, shall not be issued without the previous sanction of the Governor General in Council."	*Ibid.*
62	Kachin Hill-tribes Regulation, 1895 (I of 1895).	So much of the Schedule as related to the following enactments:— The Whipping Act, 1864.	....	Reg. II of 1922, s. 2.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
		III.—Regulations made by the Governor General in Council—contd.		
62	Kachin Hill-tribes Regulation, 1895 (I of 1895).—*contd.*	The General Clauses Act, 1868. The Code of Criminal Procedure, 1882. The General Clauses Act, 1887. The Upper Burma Forest Regulation, 1887. The Upper Burma Frontier Crossing and Disturbed Districts Regulation, 1887. The Upper Burma Criminal Justice Regulation, 1892.		
	..	So much of the Schedule as related to the State Offences Act, 1857.	....	Act IV of 1922, s. 3 and Sch.
63	Chin Hills Regulation, 1896 (V of 1896).	So much of the Schedule as related to the following enactments :— The Whipping Act, 1864. The Indian Post Office Act, 1866. The General Clauses Act, 1868. The Code of Criminal Procedure, 1882. The General Clauses Act, 1887. The Upper Burma Forest Regulation, 1887.	....	Reg. III of 1922, s. 2.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	III.—Regulations made by the Governor General in Council—concld.			
63	Chin Hills Regulation, 1896 (V of 1896.)—*contd.*	The Upper Burma Frontier Crossing and Disturbed Districts Regulation, 1887.		
		The Upper Burma Criminal Justice Regulation, 1892.		
	..	So much of the Schedule as related to the State Offences Act, 1857.	....	Act IV of 1922, s. 3 and Sch.
64	North-West Frontier Province Law and Justice Regulation, 1901 (VII of 1901).	So much of the Second Schedule as related to the Bengal State Offences Regulation, 1804.	....	Act IV of 1922, s. 3 and Sch.
65	British Baluchistan Laws Regulation, 1913 (II of 1913).	So much of the First Schedule as related to the State Offences Act, 1857.	....	*Ibid.*
66	Angul Laws Regulation, 1913 (III of 1913).	..	2. After clause (*a*) of section 2 the following clause was inserted, namely :— "(*aa*) 'the Commissioner' means the Political Agent and Commissioner, Orissa Feudatory States."	Reg. VI of 1922, s. 2.
67	Arakan Hill-District Laws Regulation, 1916 (I of 1916).	So much of the First Schedule as related to the State Offences Act, 1857.	....	Act IV of 1922, s. 3 and Sch.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.

IV.—Ordinances made by the Governor General under section 72 of the Government of India Act.

68	Martial Law Ordinance, 1921 (II of 1921).	The whole . .	....	Ord. I of 1922, s. 18.*
69	Martial Law (Supplementary) Ordinance, 1921 (III of 1921).	The whole . .	....	*Ibid.**
70	Martial Law (Military Courts) Ordinance, 1921 (IV of 1921).	The whole . .	....	*Ibid.**
71	Martial Law (Special Magistrates) Ordinance, 1921 (V of 1921).	The whole . .	....	*Ibid.**
72	Malabar (Restoration of Order) Ordinance, 1922 (I of 1922).*	..	The following amendments were made and were deemed to have been made from the commencement of the Ordinance, namely :— (*i*) In sub-section (*1*) of section 7, for the words "five years" the words "seven years" were substituted; (*ii*) In the proviso to section 12, after the word "section" the words "on a Special Judge" were inserted; (*iii*) After section 15 the following section was inserted, namely :— "15A. Any appeal which immediately prior to the cessation of Martial Law was pending from the judgment of a Special Magistrate appointed under the Martial Law (Special Magistrate) Ordinance, 1921, shall be deemed to be an appeal from the judgment of a Special Magistrate appointed under this Ordinance, and the provisions of section 11 shall apply accordingly." Appeals pending under Ordinance V of 1921.	Ord. II of 1922, s. 2.†

* To be in force for six months with effect from the 25th February, 1922.

† To be in force for six months with effect from the 30th March, 1922.

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1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or amending enactment.
	IV.—Ordinances made by the Governor General under section 72 of the Government of India Act—concld.			
72	Malabar (Restoration of Order) Ordinance, 1922 (I of 1922)* —*contd.*	..	Provisions of sections 6 to 15 of the Ordinance, as amended by Ordinance II of 1922, to apply, so far as may be, in respect of any trial held or completed under the provisions of the Malabar (Completion of Trials) Ordinance, 1922.	Ord. III of 1922, s. 3.‡
		..	Expiration of the Ordinance not to operate as a bar to an appeal which would otherwise lie under the Ordinance or which was pending at the date of such expiration.	Ord. III of 1922, s. 4.‡
			V.—Bengal Regulation.	
73	Bengal State Offences Regulation, 1804 (X of 1804).	So much as was not already repealed.	....	Act[s] IV of 1922, s. 3 and Sch.
			VI.—Madras Regulation.	
74	Madras State Offences Regulation, 1808 (VII of 1808).	So much as was not already repealed.	....	Act IV of 1922, s. 3 and Sch.

* To be in force for six months with effect from the 25th February 1922.
‡ To be in force for six months with effect from the 19th August, 1922.

NATIONAL ARCHIVES OF INDIA

ACT No. I OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 1st February, 1923.)

An Act further to amend the Criminal Tribes Act, 1911.

WHEREAS it is expedient further to amend the Criminal Tribes Act, 1911; It is hereby enacted as follows :— I of 1911.

1. This Act may be called the Criminal Tribes (Amendment) Act, 1923. Short title.

2. In section 2 of the Criminal Tribes Act, 1911 (hereinafter referred to as the said Act),— I of 1911. Amendment of section 2, Act III of 1911.

(*a*) after clause (*1*) the following clauses shall be inserted, namely :—

"(*1a*) 'district' includes a Presidency-town and the town of Rangoon;

(*1b*) 'District Magistrate' means, in the case of a Presidency-town or the town of Rangoon, the Commissioner of Police"; and

(*b*) after clause (*2*) the following clause shall be inserted, namely :—

"(*2a*) 'Superintendent of Police' means, in the case of a Presidency-town or the town of Rangoon, any officer appointed by the Local Government to perform the duties of a Superintendent of Police under this Act."

3. In section 4 of the said Act, the words "or of any part thereof" shall be omitted. Amendment of section 4, Act III of 1911.

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Amendment of section 5, Act III of 1911.

4. In section 5 of the said Act,—

(*a*) for the words "a notice" the word "notice" shall be substituted;

(*b*) the words "or of such part thereof as is directed to be registered" shall be omitted; and

(*c*) in the proviso, the words "or part thereof" shall be omitted, and after the word "registration" the words "and may cancel any such exemption" shall be added.

Amendment of section 13, Act III of 1911.

5. In section 13 of the said Act, after the word "settled" the following shall be added, namely:—

"and any officer empowered in this behalf by the Local Government may, by order in writing, vary any notification made under section 11 or under this section by directing the restriction of such criminal tribe to another area, or, as the case may be, its settlement in another place, in the same district."

Insertion of new section 13A in Act III of 1911.

6. After section 13 of the said Act, the following section shall be inserted, namely:—

Power of Local Government to restrict or settle criminal tribe in another province.

"13A. Any notification made by the Local Government under section 11 or section 13 may specify, as the area to which the criminal tribe shall be restricted or as the place in which it shall be settled, an area or place situated in any other province, provided that the consent of the Local Government of that province shall first have been obtained."

Substitution of new section for section 15, Act III of 1911.

7. For section 15 of the said Act, the following section shall be substituted, namely:—

Application of Act when criminal tribe is transferred from one province or district to another.

"15. (*1*) Where a criminal tribe is restricted in its movements to an area, or is settled in a place of residence, situated in a province other than that by the Local Government of which the notification under section 3 relating to such criminal tribe was issued, all the provisions of this Act and the rules made hereunder shall apply to the criminal tribe as if the notification

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notification had been issued by the Local Government of such other province.

(*2*) If a criminal tribe, having been registered under section 4 in any district, is restricted in its movements to an area, or is settled in a place of residence, situated in another district (whether in the same province or not), the register or any relevant entries or entry therein shall be transferred to the Superintendent of Police of the last-mentioned district, and all the provisions of this Act and the rules made hereunder shall apply as if such criminal tribe had been registered in that district, and the District Magistrate of that district shall have power to cancel any exemption granted under section 5."

Amendment of section 16, Act III of 1911.

8. In section 16 of the said Act, the words "Governor General in Council or the" and the words "or any part thereof" shall be omitted; and to the same section the following proviso shall be added, namely:—

"Provided that no criminal tribe shall be placed in a settlement unless the necessity for so placing it has been established to the satisfaction of the Local Government, after an inquiry held by such authority and in such manner as may be prescribed."

Amendment of section 18, Act III of 1911.

9. In section 18 of the said Act,—

(*a*) after the words "Local Government" the words "or any officer authorised by it in this behalf" shall be inserted; and

(*b*) in clause (*b*), the word "like" shall be omitted.

Amendment of section 20, Act III of 1911.

10. In sub-section (*2*) of section 20 of the said Act,—

(*a*) after clause (*e*) the following clause shall be inserted, namely:—

"(*ee*) the circumstances in which members of a criminal tribe shall be required to

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to possess and produce for inspection certificates of identity, and the manner in which such certificates shall be granted;" and

(*b*) after clause (*h*) the following clause shall be inserted, namely :—

"(*hh*) the authority by whom and the manner in which the inquiry referred to in section 16 shall be held."

Amendment of section 22, Act III of 1911.

11. In section 22 of the said Act,—

(*a*) to sub-section (*1*) the words "or with fine which may extend to five hundred rupees, or with both" shall be added;

(*b*) in sub-section (*2*), for the words "a rule made under any other clause of" the words "any other rule made under" shall be substituted; and

(*c*) after sub-section (*2*) the following sub-section shall be added, namely :—

"(*3*) Any person who commits or is reasonably suspected of having committed an offence made punishable by this section which is not a cognizable offence within the meaning of the Code of Criminal Procedure, 1898, may be arrested without a warrant by any officer in charge of a police-station or by any police-officer not below the rank of a sub-inspector." V of 1898.

Insertion of new sections 27A and 27B in Act III of 1911.

12. After section 27 of the said Act the following sections shall be inserted, under the heading "Supplemental", namely :—

Power to deport certain criminal tribes to States in India.

"27A. The Local Government, if it is satisfied that adequate provision has been made by the law of any State in India for the restriction of the movements or the settlement in a place of residence of persons such as are referred to in section 3, and for securing the welfare of persons so restricted or settled, may, with the consent of the Prince or Chief of that State, direct the removal to that State of any

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any criminal tribe for the time being in the province, and may authorise the taking of all measures necessary to effect such removal:

Provided that no person shall be so removed if the Local Government is satisfied that he is a subject of His Majesty.

References to a criminal tribe to include references to part or member thereof in certain cases.

27B. The references to a criminal tribe in sections 4, 5, 14, 17 and 27A, shall be deemed to be references to a criminal tribe or any part thereof, and the like references in sections 11, 13, 13A, 15 and 16 shall be deemed to be references to a criminal tribe or any part or member thereof."

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ACT No. II OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(*Received the assent of the Governor General on the 16th February, 1923.*)

An Act to supplement the Malabar (Completion of Trials) Act, 1922.

Mad. Act I of 1923.

WHEREAS it is expedient to supplement the Malabar (Completion of Trials) Act, 1922; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Malabar (Completion of Trials) Supplementing Act, 1923.

Appeals to lie notwithstanding expiration of Ordinance III of 1922.

III of 1922.

2. On the expiration of the Malabar (Completion of Trials) Ordinance, 1922, and notwithstanding such expiration, an appeal shall lie to the High Court of Judicature at Madras in any case in which an appeal would have lain to that Court but for such expiration, and every such appeal and every appeal presented to the High Court under that Ordinance before the date of such expiration shall be heard and decided by the High Court.

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ACT No. III OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(*Received the assent of the Governor General on the 23rd February, 1923.*)

An Act to provide for the restriction and control of the transport of cotton in certain circumstances.

WHEREAS it is expedient for the purpose of maintaining the quality and reputation of the cotton grown in certain areas in British India to enable the restriction and control of the transport by rail and the import of cotton into those areas; It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Cotton Transport Act, 1923.

(*2*) It extends to the whole of British India.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "certified copy," in relation to a licence, means a copy of the licence certified in the manner described in section 76 of the Indian Evidence Act, 1872, by the authority by which the licence was granted;

of 1872.

(*b*) "cotton" means every kind of unmanufactured cotton, that is to say, ginned and unginned cotton, cotton waste and cotton seed;

(*c*) "cotton waste" means droppings, strippings, fly and other waste products of a cotton-mill other than yarn waste;

(*d*) "licence" means a licence granted under this Act;

(*e*) "notified

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(*e*) " notified station " means a railway station specified in a notification under section 3;

(*f*) " prescribed " means prescribed by rules made under this Act; and

(*g*) " protected area " means an area into which the import of cotton or of any kind of cotton has been prohibited by a notification under section 3.

Power to issue notification prohibiting import of cotton into protected area.

3. (*1*) The Local Government may, for the purpose of maintaining the quality or reputation of the cotton grown in any area in the Province, by notification in the local official Gazette, prohibit the import of cotton or of any specified kind of cotton into that area save under, and in accordance with the conditions of, a licence:

Provided that no such notification shall be deemed to prohibit the import into any protected area of packages containing any kind of cotton and not exceeding ten pounds avoirdupois weight.

(*2*) Any such notification may prohibit the delivery to, and the taking of delivery by, any person, at any specified railway station situated in the protected area, of any cotton, the import of which into that area is prohibited when such cotton has been consigned from a railway station not situated in that area, unless such person holds a licence for the import of the cotton into that area.

Refusal to carry unlicensed cotton.

4. (*1*) Notwithstanding anything contained in the Indian Railways Act, 1890, or any other law for the time being in force, the station master of any railway station or any other railway servant responsible for the booking of goods or parcels at that station may refuse to receive for carriage at, or to forward or allow to be carried on the railway from, that station any cotton consigned to a notified station, being cotton of a kind of which the delivery at such notified station has been prohibited unless both stations are in the same protected area, or unless the consignor produces a certified copy of a licence for

IX of 1890.

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for the import of the cotton into the protected area in which such notified station is situated.

(*2*) Every certified copy of a licence when so produced shall be attached to the invoice or way-bill, as the case may be, and shall accompany the consignment to its destination, and shall there be dealt with in the prescribed manner.

(*3*) Where by or under any law in force in the territories of any State in India the import into any area, or the delivery at any railway station, of cotton or of any kind of cotton has been prohibited, the Governor General in Council may, by notification in the Gazette of India, declare that the provisions of sub-section (*1*) shall apply in respect of cotton consigned to any such station as if such area and such station were respectively a protected area and a notified station, and as if any licence granted under such law were a licence granted under this Act.

Procedure where cotton arrives at notified station.

5. (*1*) Where any cotton, the import of which into any protected area has been prohibited, has been consigned to and arrives at a notified station in any such protected area, the station master or other railway servant responsible for the receipt and delivery to the consignee of goods or parcels, as the case may be, at that station shall, unless both the notified station and the railway station from which the cotton has been consigned are situated in the same protected area, refuse to deliver the cotton until he is satisfied that the consignee holds a licence for the import of the cotton into the protected area in which such notified station is situated; and, if he is not so satisfied, or if within fourteen days the consignee or some person acting on his behalf does not appear in order to take delivery, shall return the cotton to the railway station from which it was consigned, together with an intimation that delivery of the cotton has been refused or has not been taken, as the case may be.

(*2*) Any station master or other railway servant receiving any cotton returned under sub-section (*1*), or returned with a like intimation from a railway station

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station specified in a notification under sub-section (*3*) of section 4, shall cause to be served on the consignor in any manner authorised by section 141 of the Indian Railways Act, 1890, a notice stating that the cotton has been so returned and requiring the consignor to pay any rate, terminal or other charges due in respect of the carriage of the cotton to and from the railway station to which it was consigned, and such charges shall be deemed to be due from the consignor for all the purposes of section 55 of that Act. IX of 1890.

Penalties.

6. Any person who, in contravention of the provisions of this Act or of any notification or rule made hereunder, knowingly takes delivery of any cotton from a notified station or imports, or attempts to import, any cotton into a protected area, and any station master or other railway servant who, in contravention of the provisions of sub-section (*1*) of section 5, without reasonable excuse, the burden of proving which shall lie upon him, delivers any cotton to a consignee or other person, shall be liable to a fine not exceeding one thousand rupees, and upon any subsequent conviction to imprisonment which may extend to three months, or to fine which may extend to five thousand rupees, or to both.

Power to make rules.

7. (*1*) The Local Government may, by notification in the local official Gazette, make rules to provide for any of the following matters, namely :—

(*a*) the prevention of the import into a protected area by road, river or sea, save under and in accordance with the conditions of a licence, of cotton the import of which into that area has been prohibited by a notification under section 3;

(*b*) the terms and conditions to be contained in licences and the authorities by which they may be granted; and

(*c*) the manner in which licences and certified copies thereof shall be dealt with on and after the delivery of the cotton to which they relate.

(*2*) Any

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(*2*) Any such rules may provide that any contravention thereof or of the conditions of any licence, not otherwise made punishable by this Act, shall be punishable with fine which may extend to five hundred rupees.

Previous approval of Local Legislature to issue of notifications and rules.

8. No notification under section 3 or rule under section 7 shall be issued by the Local Government of any Governor's Province, unless it has been laid in draft before the Legislative Council of the Province, and has been approved by a Resolution of the Legislative Council, either with or without modification or addition, but upon such approval being given the notification or rule, as the case may be, may be issued in the form in which it has been so approved.

Protection for acts done under Act.

9. No suit or other legal proceeding shall be instituted against any person in respect of anything which is in good faith done or intended to be done under this Act.

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ACT No. IV OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(*Received the assent of the Governor General on the 23rd February, 1923.*)

An Act to amend and consolidate the law relating to the regulation and inspection of mines.

WHEREAS it is expedient to amend and consolidate the law relating to the regulation and inspection of mines; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Indian Mines Act, 1923.

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(*3*) It shall come into force on the first day of July, 1924.

Saving of Reg. XII of 1887.

2. Nothing in this Act shall be construed to affect the provisions of the Upper Burma Ruby Regulation, 1887.

XII of 1887.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "agent," when used in relation to a mine, means any person appointed or acting as the representative of the owner in respect of the management of the mine or of

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of any part thereof, and as such superior to a manager under this Act;

(*b*) " Chief Inspector " means the Chief Inspector of Mines appointed under this Act;

(*c*) " child " means a person under the age of thirteen years;

(*d*) a person is said to be " employed " in a mine who works under appointment by or with the knowledge of the manager, whether for wages or not, in any mining operation, or in cleaning or oiling any part of any machinery used in or about the mine, or in any other kind of work whatsoever incidental to, or connected with, mining operations;

(*e*) " Inspector " means an Inspector of Mines appointed under this Act, and includes a District Magistrate when exercising any power or performing any duty of an Inspector which he is empowered by this Act to exercise or perform;

(*f*) " mine " means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and includes all works, machinery, tramways and sidings, whether above or below ground, in or adjacent to or belonging to a mine:

provided that it shall not include any part of such premises on which a manufacturing process is being carried on unless such process is a process for coke making or the dressing of minerals;

(*g*) " owner," when used in relation to a mine, means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof, but does not include a person who merely receives a royalty,

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royalty, rent or fine from the mine, or is merely the proprietor of the mine subject to any lease, grant or license for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine; but any contractor for the working of a mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but not so as to exempt the owner from any liability;

(*h*) " prescribed " means prescribed by regulations, rules or bye-laws;

(*i*) " qualified medical practitioner " means any person registered under the Medical Act, 1858, or any Act amending the same or under any Act of any Legislature in British India providing for the maintenance of a register of medical practitioners, and includes, in any area where no such last-mentioned Act is in force, any person declared by the Local Government, by notification in the local official Gazette, to be a qualified medical practitioner for the purposes of this Act;

21 & 22 Vict. c. 90.

(*j*) " regulations," " rules " and " bye-laws " mean respectively regulations, rules and bye-laws made under this Act;

(*k*) " serious bodily injury " means any injury which involves, or in all probability will involve, the permanent loss of the use of, or permanent injury to, any limb, or the permanent loss of or injury to the sight or hearing, or the fracture of any limb or the enforced absence of the injured person from work for a period exceeding twenty days; and

(*l*) " week " means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

CHAPTER II.

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CHAPTER II.

INSPECTORS.

Chief Inspector and Inspectors.

4. (*1*) The Governor General in Council may, by notification in the Gazette of India, appoint a duly qualified person to be Chief Inspector of Mines for the whole of British India, and duly qualified persons to be Inspectors of Mines subordinate to the Chief Inspector.

(*2*) No person shall be appointed to be Chief Inspector or an Inspector, or, having been appointed shall continue to hold such office who is or becomes directly or indirectly interested in any mine or mining rights in India.

(*3*) The District Magistrate may exercise the powers and perform the duties of an Inspector subject to the general or special orders of the Local Government:

Provided that nothing in this sub-section shall be deemed to empower a District Magistrate to exercise any of the powers conferred by section 19 or section 32.

(*4*) The Chief Inspector and every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code. XLV of 1860.

Functions of Inspectors.

5. (*1*) The Chief Inspector may, by order in writing, prohibit or restrict the exercise by any Inspector named, or any class of Inspectors specified, in the order of any power conferred on Inspectors by this Act, and shall, subject as aforesaid, declare the local area or areas within which, or the group or class of mines with respect to which, Inspectors shall exercise their respective powers.

(*2*) The Inspector shall give information to owners, agents and managers of mines, situate within the local area or areas or belonging to the group or class of mines, in respect of which he exercises powers under sub-section (*1*) as to all regulations and rules which concern them respectively and as to the

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the places where copies of such regulations and rules may be obtained.

Powers of Inspectors of Mines.

6. The Chief Inspector and any Inspector may—

(*a*) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder are observed in the case of any mine;

(*b*) with such assistants (if any) as he thinks fit, enter, inspect and examine any mine or any part thereof at any reasonable time by day or night, but not so as unreasonably to impede or obstruct the working of the mine;

(*c*) examine into, and make inquiry respecting, the state and condition of any mine or any part thereof, the ventilation of the mine, the sufficiency of the bye-laws for the time being in force relating to the mine, and all matters and things connected with or relating to the safety of the persons employed in the mine.

Powers of special officer to enter, measure, etc.

7. Any person in the service of the Government duly authorised by a special order in writing of the Chief Inspector or of an Inspector in this behalf may, for the purpose of surveying, levelling or measuring in any mine, after giving not less than three days' notice to the manager of such mine, enter the mine and may survey, level or measure the mine or any part thereof at any reasonable time by day or night, but not so as unreasonably to impede or obstruct the working of the mine.

Facilities to be afforded to Inspectors.

8. Every owner, agent and manager of a mine shall afford the Chief Inspector and every Inspector and every person authorised under section 7 all reasonable facilities for making any entry, inspection, survey, measurement, examination or inquiry under this Act.

9. (*1*) All

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Secrecy of information obtained.

9. (*1*) All copies of, and extracts from, registers or other records appertaining to any mine, and all other information acquired by the Chief Inspector or an Inspector or by any one assisting him, in the course of the inspection of any mine under this Act or acquired by any person authorised under section 7 in the exercise of his duties thereunder, shall be regarded as confidential.

(*2*) If the Chief Inspector, or an Inspector or any other person referred to in sub-section (*1*) discloses to any one, other than a Magistrate or an officer to whom he is subordinate, any such information as aforesaid without the consent of the Governor General in Council or of the Local Government, he shall be guilty of a breach of official trust, and shall be punishable in the manner provided by section 4 of the Indian Official Secrets Act, 1889.

XV of 1889.

(*3*) No Court shall proceed to the trial of any offence under this section except on complaint made by order of, or under authority from, the Governor General in Council or the Local Government, or made by a person aggrieved by the offence.

CHAPTER III.

Mining Boards and Committees.

Mining Boards.

10. (*1*) The Local Government may constitute for the province, or for any part of the province, or for any group or class of mines in the province, a Mining Board consisting of—

(*a*) a person in the service of the Government, not being the Chief Inspector or an Inspector, nominated by the Local Government to act as chairman;

(*b*) the Chief Inspector or an Inspector;

(*c*) two persons, neither of whom shall be the Chief Inspector or an Inspector nominated by the Local Government, of whom

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whom one shall be a person qualified to represent the interests of persons employed in mines;

(*d*) two persons nominated by owners of mines or their representatives in such manner as may be prescribed.

(*2*) The chairman shall appoint a person to act as secretary to the Board.

(*3*) The Local Government may give directions as to the payment of travelling expenses incurred by the secretary or any member of any such Mining Board in the performance of his duty as such secretary or member.

Committees.

11. (*1*) Where under this Act any question relating to a mine is referred to a Committee, the Committee shall consist of—

(*a*) a chairman nominated by the Local Government or by such officer or authority as the Local Government may authorise in this behalf;

(*b*) a person nominated by the chairman and qualified by experience to dispose of the question referred to the Committee; and

(*c*) two persons of whom one shall be nominated by the owner, agent or manager of the mine concerned, and the other shall be nominated by the Local Government to represent the interests of the persons employed in the mine.

(*2*) No Inspector or person employed in or in the management of any mine concerned shall serve as chairman or member of a Committee appointed under this section.

(*3*) Where an owner, agent or manager fails to exercise his power of nomination under clause (*c*) of sub-section (*1*), the Committee may, notwithstanding such failure, proceed to inquire into and dispose of the matter referred to it.

(*4*) The

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(*4*) The Committee shall hear and record such information as the Chief Inspector or the Inspector, or the owner, agent or manager of the mine concerned, may place before it, and shall intimate its decision to the Chief Inspector or the Inspector and to the owner, agent or manager of the mine, and shall report its decision to the Local Government.

(*5*) On receiving such report the Local Government shall pass orders in conformity therewith unless the Chief Inspector or the owner, agent or manager of the mine has lodged an objection to the decision of the Committee, in which case the Local Government may proceed to review such decision and to pass such orders in the matter as it may think fit. If an objection is lodged by the Chief Inspector, notice of the same shall forthwith be given to the owner, agent or manager of the mine.

(*6*) The Local Government may give directions as to the remuneration, if any, to be paid to the members of the Committee or any of them, and as to the payment of the expenses of the inquiry including such remuneration.

Powers of Mining Boards.

12. (*1*) Any Mining Board constituted under section 10 and any Committee constituted under section 11 may exercise such of the powers of an Inspector under this Act as it thinks necessary or expedient to exercise for the purpose of deciding or reporting upon any matter referred to it.

(*2*) Every Mining Board constituted under section 10 and every Committee appointed under section 11 shall have the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects; and every person required by any such Mining Board or Committee to furnish information before it shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code.

V of 1908.

XLV of 1860.

Recovery of expenses.

13. The Local Government may direct that the expenses of any inquiry conducted by a Mining Board

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Board constituted under section 10 or by a Committee appointed under section 11 shall be borne in whole or in part by the owner or agent of the mine concerned, and the amount so directed to be paid may, on application by the Chief Inspector or an Inspector to a Magistrate having jurisdiction at the place where the mine is situated or where such owner or agent is for the time being resident, be recovered by the distress and sale of any moveable property within the limits of the Magistrate's jurisdiction belonging to such owner, agent or manager.

CHAPTER IV.

MINING OPERATIONS AND MANAGEMENT OF MINES.

Notice to be given of mining operations.

14. The owner, agent or manager of a mine shall, in the case of an existing mine within one month from the commencement of this Act, or, in the case of a new mine, within three months after the commencement of mining operations, give to the District Magistrate of the district in which the mine is situated notice in writing in such form and containing such particulars relating to the mine as may be prescribed.

Managers.

15. (*1*) Save as may be otherwise prescribed, every mine shall be under one manager who shall have the prescribed qualifications and shall be responsible for the control, management and direction of the mine, and the owner or agent of every mine shall appoint himself or some other person, having such qualifications, to be such manager.

(*2*) If any mine is worked without there being a manager for the mine as required by sub-section (*1*), the owner and agent shall each be deemed to have contravened the provisions of this section.

Duties and responsibilities of owners, agents and managers.

16. (*1*) The owner, agent and manager of every mine shall be responsible that all operations carried on in connection therewith are conducted in accordance with the provisions of this Act and of the regulations,

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regulations, rules and bye-laws and of any orders made thereunder.

(*2*) In the event of any contravention of any such provisions by any person whomsoever, the owner, agent and manager of the mine shall each be deemed also to be guilty of such contravention unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing those provisions, to prevent such contravention:

Provided that the owner or agent shall not be so deemed if he proves—

(*a*) that he was not in the habit of taking, and did not in respect of the matter in question take, any part in the management of the mine; and

(*b*) that he had made all the financial and other provisions necessary to enable the manager to carry out his duties; and

(*c*) that the offence was committed without his knowledge, consent or connivance.

(*3*) Save as hereinbefore provided, it shall not be a defence in any proceedings brought against an owner or agent of a mine under this section that a manager of the mine has been appointed in accordance with the provisions of this Act.

CHAPTER V.

PROVISIONS AS TO HEALTH AND SAFETY.

Conservancy.

17. There shall be provided and maintained for every mine latrine and urinal accommodation of such kind and on such scale, and such supply of water fit for drinking, as may be prescribed.

Medical appliances.

18. At every mine in respect of which the Local Government may, by notification in the local official Gazette, declare this section to apply, such supply of ambulances or stretchers, and of splints, bandages and other medical requirements, as may be prescribed,

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prescribed, shall be kept ready at hand in a convenient place and in good and serviceable order.

Powers of Inspectors when causes of danger not expressly provided against exist or when employment of persons is dangerous.

19. (*1*) If, in any respect which is not provided against by any express provision of this Act or of the regulations, rules or bye-laws or of any orders made thereunder, it appears to the Chief Inspector or the Inspector that any mine, or any part thereof or any matter, thing or practice in or connected with the mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten, or tend to, the bodily injury of any person, he may give notice in writing thereof to the owner, agent or manager of the mine, and shall state in the notice the particulars in which he considers the mine, or part thereof, or the matter, thing or practice, to be dangerous or defective and required the same to be remedied within such time as he may specify in the notice.

(*2*) If the Chief Inspector or an Inspector authorised in this behalf by general or special order in writing by the Chief Inspector is of opinion that there is urgent and immediate danger to the life or safety of any person employed in any mine or part thereof, he may, by an order in writing containing a statement of the grounds of his opinion, prohibit, until the danger is removed, the employment in or about the mine or part thereof of any person whose employment is not in his opinion reasonably necessary for the purpose of removing the danger.

(*3*) Where an order has been made under sub-section (*2*) by an Inspector, the owner, agent or manager of the mine may, within ten days after the receipt of the order, appeal against the same to the Chief Inspector who may confirm, modify or cancel the order.

(*4*) The Chief Inspector or the Inspector making a requisition under sub-section (*1*) or an order under sub-section (*2*), and the Chief Inspector making an order (other than an order of cancellation) in appeal under sub-section (*3*), shall forthwith report the same to the Local Government and shall inform the owner,

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owner, agent or manager of the mine that such report has been so made.

(*5*) If the owner, agent or manager of the mine objects to a requisition made under sub-section (*1*) or to an order made by the Chief Inspector under sub-section (*2*), or sub-section (*3*), he may, within twenty days after the receipt of the notice containing the requisition or of the order or after the date of the decision of the appeal, as the case may be, send his objection in writing, stating the grounds thereof, to the Local Government, which shall refer the same to a Committee.

(*6*) Every requisition made under sub-section (*1*), or order made under sub-section (*2*), or sub-section (*3*) to which objection is made under sub-section (*5*), shall be complied with pending the receipt at the mine of the decision of the Committee:

Provided that the Committee may, on the application of the owner, agent or manager, suspend the operation of a requisition under sub-section (*1*) pending its decision on the objection.

(*7*) Nothing in this section shall affect the powers of a Magistrate under section 144 of the Code of Criminal Procedure, 1898. V of 1898.

Notice to be given of accidents.

20. When any accident occurs in or about a mine causing loss of life or serious bodily injury, or when an accidental explosion, ignition, outbreak of fire or irruption of water occurs in or about a mine, the owner, agent or manager of the mine shall give such notice of the occurrence to such authorities, and in such form, and within such time, as may be prescribed.

Power of Government to appoint court of inquiry in cases of accidents.

21. (*1*) When any accidental explosion, ignition, outbreak of fire or irruption of water or other accident has occurred in or about any mine, the Local Government, if it is of opinion that a formal inquiry into the causes of, and circumstances attending, the accident ought to be held, may appoint a competent person to hold such inquiry, and may also appoint any person or persons possessing legal or special knowledge

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knowledge to act as assessor or assessors in holding the inquiry.

(*2*) The person appointed to hold any such inquiry shall have all the powers of a Civil Court under
V of 1908. the Code of Civil Procedure, 1908, for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects; and every person required by such person as aforesaid to furnish any information shall be deemed to be legally bound to do so within the meaning of
XLV of 1860. section 176 of the Indian Penal Code.

(*3*) Any person holding an inquiry under this section may exercise such of the powers of an Inspector under this Act as he may think it necessary or expedient to exercise for the purposes of the inquiry.

(*4*) The person holding an inquiry under this section shall make a report to the Local Government stating the causes of the accident and its circumstances, and adding any observations which he or any of the assessors may think fit to make.

Publication of reports.

22. The Local Government may cause any report submitted by a Committee under section 11 or by a court of inquiry under section 21 to be published at such time and in such manner as it may think fit.

CHAPTER VI.

Hours and Limitation of Employment.

Hours of employment.

23. No person shall be employed in a mine—

(*a*) on more than six days in any one week,

(*b*) if he works above ground, for more than sixty hours in any one week,

(*c*) if he works below ground, for more than fifty-four hours in any one week.

Supervising staff.

24. Nothing in section 23 shall apply to persons who may by rules be defined to be persons holding positions of supervision or management or employed in a confidential capacity.

25. In

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Exemption from provisions regarding employment.

25. In case of an emergency involving serious risk to the safety of the mine or of persons employed therein, the manager may, subject to the provisions of section 19, permit persons to be employed in contravention of section 23 on such work as may be necessary to protect the safety of the mine or of the persons employed therein:

Provided that, where such occasion arises, a record of the fact shall immediately be made by the manager and shall be placed before the Chief Inspector or the Inspector at his next inspection of the mine.

Children.

26. No child shall be employed in a mine, or be allowed to be present in any part of a mine which is below ground.

Disputes as to age.

27. (*1*) If any question arises between the Chief Inspector or the Inspector and the manager of any mine as to whether any person is a child, the question shall, in the absence of a certificate as to the age of such person granted in the prescribed manner, be referred by the Chief Inspector or the Inspector for decision to a qualified medical practitioner.

(*2*) Every certificate as to the age of a person which has been granted in the prescribed manner and any certificate granted by a qualified medical practitioner on a reference under sub-section (*1*) shall, for the purposes of this Act, be conclusive evidence as to the age of the person to whom it relates.

Register of employees.

28. For every mine there shall be kept in the prescribed form and place a register of all persons employed in the mine, of their hours of work, of their days of rest, and of the nature of their respective employments.

CHAPTER VII.

REGULATIONS, RULES AND BYE-LAWS.

Power of Governor General in

29. The Governor General in Council may, by notification in the Gazette of India, make regulations

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regulations consistent with this Act for all or any of the following purposes, namely:— Council to make regulations.

(*a*) for prescribing the qualifications to be required by a person for appointment as Chief Inspector or Inspector;

(*b*) for prescribing and regulating the duties and powers of the Chief Inspector and of Inspectors in regard to the inspection of mines under this Act;

(*c*) for prescribing the duties of owners, agents and managers of mines and of persons acting under them;

(*d*) for prescribing the qualifications of managers of mines and of persons acting under them;

(*e*) for regulating the manner of ascertaining, by examination or otherwise, the qualifications of managers of mines and persons acting under them, and the granting and renewal of certificates of competency;

(*f*) for fixing the fees, if any, to be paid in respect of such examinations and of the grant and renewal of such certificates;

(*g*) for determining the circumstances in which and the conditions subject to which it shall be lawful for more mines than one to be under a single manager, or for any mine or mines to be under a manager not having the prescribed qualifications;

(*h*) for providing for the making of inquiries into charges of misconduct or incompetency on the part of managers of mines and persons acting under them and for the suspension and cancellation of certificates of competency;

(*i*) for regulating, subject to the provisions of the Indian Explosives Act, 1884, and of any rules made thereunder, the storage and use of explosives; IV of 1884.

(*j*) for

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(*j*) for prohibiting, restricting or regulating the employment in mines or in any class of mines of women either below ground or on particular kinds of labour which are attended by danger to the life, safety or health of such women;

(*k*) for providing for the safety of the persons employed in a mine, their means of entrance thereinto and exit therefrom, the number of shafts or outlets to be furnished, and the fencing of shafts, pits, outlets, pathways and subsidences;

(*l*) for providing for the safety of the roads and working places in mines, including the siting and maintenance of pillars and the maintenance of sufficient barriers between mine and mine;

(*m*) for providing for the ventilation of mines and the action to be taken in respect of dust and noxious gases;

(*n*) for providing for the care, and the regulation of the use, of all machinery and plant and of all electrical apparatus used for signalling purposes;

(*o*) for requiring and regulating the use of safety lamps in mines;

(*p*) for providing against dangers arising out of the accumulation of water in mines;

(*q*) for prescribing the notices of accidents and dangerous occurrences, and the notices, reports and returns of mineral output, persons employed and other matters provided for by regulations, to be furnished by owners, agents and managers of mines, and for prescribing the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished, the particulars to be contained in them, and the time within which they are to be submitted;

(*r*) for

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(*r*) for prescribing the plans to be kept by owners, agents and managers of mines and the manner and places in which such plans are to be kept for purposes of record;

(*s*) for regulating the procedure on the occurrence of accidents or accidental explosions or ignitions in or about mines;

(*t*) for prescribing the form of, and the particulars to be contained in, the notice to be given by the owner, agent or manager of a mine under section 14; and

(*u*) for prescribing the notice to be given by the owner, agent or manager of a mine before mining operations are commenced at or extended to any point within fifty yards of any railway subject to the provisions of the Indian Railways Act, 1890, or of any public work or classes of public works which the Local Government may, by general or special order, specify in this behalf.

IX of 1890.

Power of Local Governments to make rules.

30. The Local Government may, subject to the control of the Governor General in Council, by notification in the local official Gazette, make rules consistent with this Act for all or any of the following purposes, namely :—

(*a*) for providing for the appointment of chairmen and members of Mining Boards, and for regulating the procedure of such Boards;

(*b*) for providing for the appointment of courts of inquiry under section 21, for regulating the procedure and powers of such courts, for the payment of travelling allowance to the members, and for the recovery of the expenses of such courts from the manager, owner or agent of the mine concerned;

(*c*) for prescribing the scale of latrine and urinal accommodation to be provided at mines,

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mines, the provision to be made for the supply of drinking-water, the supply and maintenance of medical appliances and comforts, the formation and training of rescue brigades, and the training of men in ambulance work;

(*d*) for defining the persons who shall, for the purposes of section 24, be deemed to be persons holding positions of supervision or management or employed in a confidential capacity;

(*e*) for prohibiting the employment in mines of persons or any class of persons who have not been certified by a qualified medical practitioner to be more than thirteen years of age, and for prescribing the manner and the circumstances in which such certificates may be granted and revoked;

(*f*) for prescribing the form of register required by section 28;

(*g*) for prescribing abstracts of this Act and the vernacular in which the abstracts and the regulations, rules and bye-laws shall be posted as required by sections 32 and 33;

(*h*) for requiring the fencing of any mine or part of a mine, whether the same is being worked or not, where such fencing is necessary for the protection of the public;

(*i*) for the protection from injury, in respect of any mine when the workings are discontinued, of property vested in His Majesty or any local authority or railway company as defined in the Indian Railways Act, 1890; IX of 1890.

(*j*) for requiring notices, returns and reports in connection with any matters dealt with by rules to be furnished by owners, agents and managers of mines, and for prescribing

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prescribing the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished, the particulars to be contained in them, and the times within which they are to be submitted; and

(*k*) generally to provide for any matter not provided for by this Act or the regulations, provision for which is required in order to give effect to this Act.

Prior publication of regulations and rules.

31. (*1*) The power to make regulations and rules conferred by sections 29 and 30 is subject to the condition of the regulations and rules being made after previous publication.

(*2*) The date to be specified in accordance with clause (*3*) of section 23 of the General Clauses Act, 1897, as that after which a draft of regulations or rules proposed to be made will be taken under consideration, shall not be less than three months from the date on which the draft of the proposed regulations or rules is published for general information.

X of 1897.

(*3*) Before the draft of any regulation or rule is published under this section it shall be referred in the case of a regulation to every Mining Board constituted in British India, and in the case of a rule to every Mining Board constituted in the province; and the regulation or rule shall not be so published until each such Board has had a reasonable opportunity of reporting as to the expediency of making the same and as to the suitability of its provisions.

(*4*) Regulations and rules shall be published in the Gazette of India and the local official Gazette, respectively, and, on such publication, shall have effect as if enacted in this Act.

Bye-laws.

32. (*1*) The owner, agent or manager of a mine may, and shall, if called upon to do so by the Chief Inspector or Inspector, frame and submit to the Chief Inspector or Inspector a draft of such bye-laws, not being inconsistent with this Act or any regulations or rules for the time being in force, for the

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the control and guidance of the persons acting in the management of, or employed in, the mine as such owner, agent or manager may deem necessary to prevent accidents and provide for the safety, convenience and discipline of the persons employed in the mine.

(*2*) If any such owner, agent or manager—

(*a*) fails to submit within two months a draft of bye-laws after being called upon to do so by the Chief Inspector or Inspector, or

(*b*) submits a draft of bye-laws which is not in the opinion of the Chief Inspector or Inspector sufficient,

the Chief Inspector or Inspector may—

(*i*) propose a draft of such bye-laws as appear to him to be sufficient, or

(*ii*) propose such amendments in any draft submitted to him by the owner, agent or manager as will, in his opinion, render it sufficient,

and shall send such draft bye-laws or draft amendments to the owner, agent or manager, as the case may be, for consideration.

(*3*) If within a period of two months from the date on which any draft bye-laws or draft amendments are sent by the Chief Inspector or Inspector to the owner, agent or manager under the provisions of sub-section (*2*), the Chief Inspector or Inspector and the owner, agent or manager are unable to agree as to the terms of the bye-laws to be made under sub-section (*1*), the Chief Inspector or Inspector shall refer the draft bye-laws for settlement to the Mining Board or, where there is no Mining Board, to such officer or authority as the Local Government may, by general or special order, appoint in this behalf.

(*4*) (*a*) When such draft bye-laws have been agreed to by the owner, agent or manager and the Chief Inspector or Inspector, or, when they are unable to agree, have been settled by the Mining Board or such officer or authority as aforesaid, a copy of the draft bye-laws

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bye-laws shall be sent by the Chief Inspector or Inspector to the Local Government for approval.

(*b*) The Local Government may make such modifications of the draft bye-laws as it thinks fit.

(*c*) Before the Local Government approves the draft bye-laws, whether with or without modifications, there shall be published, in such manner as the Local Government may think best adapted for informing the persons affected, notice of the proposal to make the bye-laws and of the place where copies of the draft bye-laws may be obtained, and of the time (which shall not be less than thirty days) within which any objections with reference to the draft bye-laws, made by or on behalf of persons affected, should be sent to the Local Government.

(*d*) Every objection shall be in writing and shall state—

(*i*) the specific grounds of objection and

(*ii*) the omissions, additions or modifications asked for.

(*e*) The Local Government shall consider any objection made within the required time by or on behalf of persons appearing to it to be affected, and may approve the bye-laws either in the form in which they were published or after making such amendments thereto as it thinks fit.

(*5*) The bye-laws, when so approved by the Local Government, shall have effect as if enacted in this Act, and the owner, agent or manager of the mine shall cause a copy of the bye-laws, in English and in such vernacular or vernaculars as may be prescribed, to be posted up in some conspicuous place at or near the mine, where the bye-laws may be conveniently read or seen by the persons employed; and, as often as the same become defaced, obliterated or destroyed, shall cause them to be renewed with all reasonable despatch.

(*6*) The Local Government may, by order in writing, rescind, in whole or in part, any bye-law so made,

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made, and thereupon such bye-law shall cease to have effect accordingly.

Posting up of extracts from Act, regulations, etc.

33. There shall be kept posted up at or near every mine in English and in such vernacular or vernaculars as may be prescribed, the prescribed abstracts of the Act and of the regulations and rules.

CHAPTER VIII.

PENALTIES AND PROCEDURE.

Obstruction.

34. (*1*) Whoever obstructs the Chief Inspector, an Inspector or any person authorised under section 7 in the discharge of his duties under this Act, or refuses or wilfully neglects to afford the Chief Inspector, an Inspector or such person any reasonable facility for making any entry, inspection, examination or inquiry authorised by or under this Act in relation to any mine, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(*2*) Whoever refuses to produce on the demand of the Chief Inspector or Inspector any registers or other documents kept in pursuance of this Act, or prevents or attempts to prevent or does anything which he has reason to believe to be likely to prevent, any person from appearing before or being examined by an inspecting officer acting in pursuance of his duties under this Act, shall be punishable with fine which may extend to three hundred rupees.

Falsification of records, etc.

35. Whoever—

(*a*) counterfeits, or knowingly makes a false statement in, any certificate, or any official copy of a certificate, granted under this Act, or

(*b*) knowingly uses as true any such counterfeit or false certificate, or

(*c*) makes

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(*c*) makes or produces or uses any false declaration, statement or evidence knowing the same to be false, for the purpose of obtaining for himself or for any other person a certificate, or the renewal of a certificate, under this Act, or any employment in a mine, or

(*d*) falsifies any plan or register or record the maintenance of which is required by or under this Act, or

(*e*) makes, gives or delivers any plan, return, notice, record or report containing a statement, entry or detail which is not to the best of his knowledge or belief true,

shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Omission to furnish plans, etc.

36. Any person who, without reasonable excuse the burden of proving which shall lie upon him, omits to make or furnish in the prescribed form or manner or at or within the prescribed time any plan, return, notice, register, record or report required by or under this Act to be made or furnished shall be punishable with fine which may extend to two hundred rupees.

Contravention of provisions regarding employment of labour.

37. Whoever, save as permitted by section 25, contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder prohibiting, restricting or regulating the employment or presence of persons in or about a mine shall be punishable with fine which may extend to five hundred rupees.

Notice of accidents.

38. Whoever, in contravention of the provisions of section 20, fails to give notice of any accidental occurrence shall, if the occurrence results in serious bodily injury, be punishable with fine which may extend to five hundred rupees, or, if the occurrence results in loss of life, be punishable with imprisonment which may extend to three months or with fine which

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which may extend to five hundred rupees, or with both.

Disobedience of orders.

39. Whoever contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder for the contravention of which no penalty is hereinbefore provided shall be punishable with fine which may extend to one thousand rupees, and, in the case of a continuing contravention, with a further fine which may extend to one hundred rupees for every day on which the offender is proved to have persisted in the contravention after the date of the first conviction.

Contravention of law with dangerous results.

40. (*1*) Notwithstanding anything hereinbefore contained, whoever contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder, shall be punishable, if such contravention results in loss of life, with imprisonment which may extend to one year, or with fine which may extend to two thousand rupees, or with both; or, if such contravention results in serious bodily injury, with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both; or, if such contravention otherwise causes injury or danger to workers or other persons in or about the mine, with imprisonment which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

(*2*) Where a person having been convicted under this section is again convicted thereunder, he shall be punishable with double the punishment provided by sub-section (*1*).

(*3*) Any Court imposing, or confirming in appeal, revision or otherwise, a sentence of fine passed under this section may, when passing judgment, order the whole or any part of the fine recovered to be paid as compensation to the person injured, or, in the case of his death, to his legal representative:

Provided that, if the fine is imposed in a case which is subject to appeal, no such payment shall be

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be made before the period allowed for presenting the appeal has elapsed, or, if an appeal has been presented, before the decision of the appeal.

Prosecution of owner, agent or manager.

41. No prosecution shall be instituted against any owner, agent or manager for any offence under this Act except at the instance of the Chief Inspector or of the District Magistrate or of an Inspector authorised in this behalf by general or special order in writing by the Chief Inspector.

Limitation of prosecutions.

42. No Court shall take cognizance of any offence under this Act unless complaint thereof has been made within six months of the date on which the offence is alleged to have been committed.

Cognizance of offences.

43. No Court inferior to that of a Presidency Magistrate or Magistrate of the first class shall try any offence under this Act which is alleged to have been committed by any owner, agent or manager of a mine or any offence which is by this Act made punishable with imprisonment.

Reference to *Mining* Board or Committee in lieu of prosecution in certain cases.

44. (*1*) If the Court trying any case instituted at the instance of the Chief Inspector or of the District Magistrate or of an Inspector under this Act is of opinion that the case is one which should, in lieu of a prosecution, be referred to a Mining Board or a Committee, it may stay the criminal proceedings, and report the matter to the Local Government with a view to such reference being made.

(*2*) On receipt of a report under sub-section (*1*), the Local Government may refer the case to a Mining Board or a Committee, or may direct the Court to proceed with the trial.

CHAPTER IX.

MISCELLANEOUS.

Decision of question whether a mine is under this Act.

45. If any question arises as to whether any excavation or working is a mine within the meaning of this Act, the Local Government may decide the question,

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question, and a certificate signed by a Secretary to the Local Government shall be conclusive on the point.

Power to exempt from operation of Act.

46. (*1*) The Governor General in Council may, by notification in the Gazette of India, exempt any local area or any mine or group or class of mines or any part of a mine or any class of persons from the operation of all or any specified provisions of this Act:

Provided that no local area or mine or group or class of mines shall be exempted from the provisions of section 26 unless it is also exempted from the operation of all the other provisions of this Act.

(*2*) On the occurrence of any public emergency, the Local Government may, by an order in writing, confer any exemption which might be conferred by the Governor General in Council under sub-section (*1*). When such an order is made, a copy thereof shall forthwith be sent to the Governor General in Council.

Power to alter or rescind orders.

47. The Governor General in Council and every Local Government may reverse or modify any order passed under this Act by any authority subject to his or its control, as the case may be.

Application of Act to Crown mines.

48. This Act shall apply to mines belonging to the Crown.

Saving.

49. No suit, prosecution or other legal proceeding whatever shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Repeals.

50. On and from the commencement of this Act, the enactments mentioned in the Schedule shall be repealed to the extent specified in the fourth column thereof.

THE SCHEDULE.

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THE SCHEDULE.

(*See section 50.*)

ENACTMENTS REPEALED.

Year.	No.	Short title.	Extent of repeal.
1901	VIII	The Indian Mines Act, 1901.	The whole.
1914	IV	The Decentralisation Act, 1914.	So much of the Schedule as relates to the Indian Mines Act, 1901.
„	X	The Repealing and Amending Act, 1914.	So much of the Second Schedule as relates to the Indian Mines Act, 1901.

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ACT No. V OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 23rd February, 1923.)

An Act to consolidate and amend the law relating to steam-boilers.

WHEREAS it is expedient to consolidate and amend the law relating to steam-boilers; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Indian Boilers Act, 1923.

(*2*) It extends to the whole of British India, including British Baluchistan and the Santhal Parganas.

(*3*) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "accident" means an explosion of a boiler or steam-pipe or any damage to a boiler or steam-pipe which is calculated to weaken the strength thereof so as to render it liable to explode;

(*b*) "boiler" means any closed vessel exceeding five gallons in capacity which is used expressly for generating steam under pressure for use outside such vessel, and includes any mounting or other fitting attached to such vessel which is wholly or partly under pressure when steam is shut off;

(*c*) "Chief Inspector" and "Inspector" mean, respectively, a person appointed to

[*Price five annas.*]

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to be a Chief Inspector and an Inspector under this Act;

(*d*) "owner" includes any person using a boiler as agent of the owner thereof and any person using a boiler which he has hired or obtained on loan from the owner thereof;

(*e*) "prescribed" means prescribed by regulations or rules made under this Act;

(*f*) "steam-pipe" means any main pipe exceeding three inches in internal diameter through which steam passes directly from a boiler to a prime-mover or other first user, and includes any connected fitting of a steam-pipe; and

(*g*) "structural alteration, addition or renewal" shall not be deemed to include any renewal or replacement of a petty nature when the part or fitting used for replacement is not inferior in strength, efficiency or otherwise to the replaced part or fitting.

Limitation of application.

3. (*1*) Nothing in this Act shall apply in the case of any boiler or steam-pipe—

(*a*) in any steam-ship as defined in section 3 of the Indian Steam-ships Act, 1884, or in any steam-vessel as defined in section 2 of the Inland Steam-vessels Act, 1917; or VII of 1884. I of 1917.

(*b*) belonging to or under the control of His Majesty's Navy or the Royal Indian Marine Service.

(*2*) The Governor General in Council may, by notification in the Gazette of India, declare that the provisions of this Act shall not apply in the case of boilers or steam-pipes, or of any specified class of boilers or steam-pipes, belonging to or under the control of any railway administered by the Government or by any railway company as defined

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defined in clause (5) of section 3 of the Indian Railways Act, 1890.

IX of 1890.

Power to limit extent.

4. The Governor General in Council may, by notification in the Gazette of India, exclude any specified area from the operation of all or any specified provisions of this Act.

Appointment of Chief Inspectors and Inspectors.

5. (1) The Local Government may appoint such persons as it thinks fit to be Inspectors for the province for the purposes of this Act, and may define the local limits within which each Inspector shall exercise the powers and perform the duties conferred and imposed on Inspectors by or under this Act.

(2) The Local Government shall likewise appoint a person to be Chief Inspector for the province, who may, in addition to the powers and duties conferred or imposed on the Chief Inspector by or under this Act, exercise any power or perform any duty so conferred or imposed on Inspectors.

(3) Every Chief Inspector and every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV of 1860.

Prohibition of use of unregistered or uncertificated boiler.

6. Save as otherwise expressly provided in this Act, no owner of a boiler shall use the boiler or permit it to be used—

(a) unless it has been registered in accordance with the provisions of this Act;

(b) in the case of any boiler which has been transferred from one province to another, until the transfer has been reported in the prescribed manner;

(c) unless a certificate or provisional order authorising the use of the boiler is for the time being in force under this Act;

(d) at a pressure higher than the maximum pressure recorded in such certificate or provisional order;

(e) where the Local Government has made rules requiring that boilers shall be in charge of persons holding certificates of competency, unless the boiler is in

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in charge of a person holding the certificate required by such rules:

Provided that any boiler registered, or any boiler certified or licensed, under any Act hereby repealed shall be deemed to have been registered or certified, as the case may be, under this Act:

Provided, further, that, until the expiration of twelve months from the commencement of this Act, nothing in this section shall be deemed to prohibit the use of any boiler in any local area in which the registration of, or a certificate or licence for the use of, a boiler was not previously required by law.

Registration.

7. (*1*) The owner of any boiler which is not registered under the provisions of this Act may apply to the Inspector to have the boiler registered. Every such application shall be accompanied by the prescribed fee.

(*2*) On receipt of an application under sub-section (*1*), the Inspector shall fix a date, within thirty days or such shorter period as may be prescribed from the date of the receipt, for the examination of the boiler and shall give the owner thereof not less than ten days' notice of the date so fixed.

(*3*) On the said date the Inspector shall proceed to measure and examine the boiler and to determine in the prescribed manner the maximum pressure, if any, at which such boiler may be used, and shall report the result of the examination to the Chief Inspector in the prescribed form.

(*4*) The Chief Inspector, on receipt of the report, may—

(*a*) register the boiler and assign a register number thereto either forthwith or after satisfying himself that any structural alteration, addition or renewal which he may deem necessary has been made in or to the boiler or any steam-pipe attached thereto, or

(*b*) refuse to register the boiler:

Provided

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Provided that where the Chief Inspector refuses to register a boiler, he shall forthwith communicate his refusal to the owner of the boiler together with the reasons therefor.

(*5*) The Chief Inspector shall, on registering the boiler, order the issue to the owner of a certificate in the prescribed form authorising the use of the boiler for a period not exceeding twelve months at a pressure not exceeding such maximum pressure as he thinks fit and as is in accordance with the regulations made under this Act.

(*6*) The Inspector shall forthwith convey to the owner of the boiler the orders of the Chief Inspector and shall in accordance therewith issue to the owner any certificate of which the issue has been ordered, and, where the boiler has been registered, the owner shall within the prescribed period cause the register number to be permanently marked thereon in the prescribed manner.

Renewal of certificate.

8. (*1*) A certificate authorising the use of a boiler shall cease to be in force—

(*a*) on the expiry of the period for which it was granted; or

(*b*) when any accident occurs to the boiler; or

(*c*) when the boiler is moved, the boiler not being a vertical boiler the heating surface of which is less than two hundred square feet, or a portable or vehicular boiler; or

(*d*) when any structural alteration, addition or renewal is made in or to the boiler; or

(*e*) if the Chief Inspector in any particular case so directs, when any structural alteration, addition or renewal is made in or to any steam-pipe attached to the boiler; or

(*f*) on the communication to the owner of the boiler of an order of the Chief Inspector or Inspector prohibiting its use

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use on the ground that it or any steam-pipe attached thereto is in a dangerous condition.

(*2*) Where an order is made under clause (*f*) of sub-section (*1*), the grounds on which the order is made shall be communicated to the owner with the order.

(*3*) When a certificate ceases to be in force, the owner of the boiler may apply to the Inspector for a renewal thereof for such period not exceeding twelve months as he may specify in the application.

(*4*) An application under sub-section (*3*) shall be accompanied by the prescribed fee and, on receipt thereof, the Inspector shall fix a date, within thirty days or such shorter period as may be prescribed from the date of the receipt, for the examination of the boiler and shall give the owner thereof not less than ten days' notice of the date so fixed:

Provided that, where the certificate has ceased to be in force owing to the making of any structural alteration, addition or renewal, the Chief Inspector may dispense with the payment of any fee.

(*5*) On the said date the Inspector shall examine the boiler in the prescribed manner, and if he is satisfied that the boiler and the steam-pipe or steam-pipes attached thereto are in good condition shall issue a renewed certificate authorising the use of the boiler for such period not exceeding twelve months and at a pressure not exceeding such maximum pressure as he thinks fit and as is in accordance with the regulations made under this Act:

Provided that if the Inspector—

(*a*) proposes to issue any certificate—

(*i*) having validity for a less period than the period entered in the application, or

(*ii*) increasing

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(*ii*) increasing or reducing the maximum pressure at which the boiler may be used, or

(*b*) proposes to order any structural alteration, addition or renewal to be made in or to the boiler or any steam-pipe attached thereto, or

(*c*) is of opinion that the boiler is not fit for use,

the Inspector shall, within forty-eight hours of making the examination, inform the owner of the boiler in writing of his opinion and the reasons therefor, and shall forthwith report the case for orders to the Chief Inspector.

(*6*) The Chief Inspector, on receipt of a report under sub-section (*5*), may, subject to the provisions of this Act and of the regulations made hereunder, order the renewal of the certificate in such terms and on such conditions, if any, as he thinks fit, or may refuse to renew it:

Provided that where the Chief Inspector refuses to renew a certificate, he shall forthwith communicate his refusal to the owner of the boiler, together with the reasons therefor.

(*7*) Nothing in this section shall be deemed to prevent an owner of a boiler from applying for a renewed certificate therefor at any time during the currency of a certificate.

Provisional orders.

9. Where the Inspector reports the case of any boiler to the Chief Inspector under sub-section (*3*) of section 7 or sub-section (*5*) of section 8, he may, if the boiler is not a boiler the use of which has been prohibited under clause (*f*) of sub-section (*1*) of section 8, grant to the owner thereof a provisional order in writing permitting the boiler to be used at a pressure not exceeding such maximum pressure as he thinks fit and as is in accordance with the regulations made under this Act pending the receipt of the orders of the Chief Inspector. Such provisional order shall cease to be in force—

(*a*) on the expiry of six months from the date on which it is granted, or

(*b*) on

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(*b*) on receipt of the orders of the Chief Inspector, or

(*c*) in any of the cases referred to in clauses (*b*), (*c*), (*d*), (*e*) and (*f*) of sub-section (*1*) of section 8,

and on so ceasing to be in force shall be surrendered to the Inspector.

Use of boiler pending grant of certificate.

10. (*1*) Notwithstanding anything hereinbefore contained, when the period of a certificate relating to a boiler has expired, the owner shall, provided that he has applied before the expiry of that period for a renewal of the certificate, be entitled to use the boiler at the maximum pressure entered in the former certificate pending the issue of orders on the application.

(*2*) Nothing in sub-section (*1*) shall be deemed to authorise the use of a boiler in any of the cases referred to in clauses (*b*), (*c*), (*d*), (*e*) and (*f*) of sub-section (*1*) of section 8 occurring after the expiry of the period of the certificate.

Revocation of certificate or provisional order.

11. The Chief Inspector may at any time withdraw or revoke any certificate or provisional order on the report of an Inspector or otherwise—

(*a*) if there is reason to believe that the certificate or provisional order has been fraudulently obtained or has been granted erroneously or without sufficient examination; or

(*b*) if the boiler in respect of which it has been granted has sustained injury or has ceased to be in good condition; or

(*c*) where the Local Government has made rules requiring that boilers shall be in charge of persons holding certificates of competency, if the boiler is in charge of a person not holding the certificate required by such rules; or

(*d*) where no such rules have been made, if the boiler is in charge of a person who is not, having regard to the condition of the boiler,

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boiler, in the opinion of the Chief Inspector competent to have charge thereof:

Provided that where the Chief Inspector withdraws or revokes a certificate or provisional order on the ground specified in clause (*d*), he shall communicate to the owner of the boiler his reasons in writing for the withdrawal or revocation, and the order shall not take effect until the expiry of thirty days from the receipt of such communication.

Alterations and renewals to boilers.

12. No structural alteration, addition or renewal shall be made in or to any boiler registered under this Act unless such alteration, addition or renewal has been sanctioned in writing by the Chief Inspector.

Alterations and renewals to steam-pipes.

13. Before the owner of any boiler registered under this Act makes any structural alteration, addition or renewal in or to any steam-pipe attached to the boiler, he shall transmit to the Chief Inspector a report in writing of his intention, and shall send therewith such particulars of the proposed alteration, addition or renewal as may be prescribed.

Duty of owner at examination.

14. (*1*) On any date fixed under this Act for the examination of a boiler, the owner thereof shall be bound—

(*a*) to afford to the Inspector all reasonable facilities for the examination and all such information as may reasonably be required of him;

(*b*) to have the boiler properly prepared and ready for examination in the prescribed manner; and

(*c*) in the case of an application for the registration of a boiler, to provide such drawings, specifications, certificates and other particulars as may be prescribed.

(*2*) If the owner fails, without reasonable cause, to comply with the provisions of sub-section (*1*), the Inspector shall refuse to make the examination and shall report the case to the Chief Inspector who shall, unless sufficient cause to the contrary is shown, require

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require the owner to file a fresh application under section 7 or section 8, as the case may be, and may forbid him to use the boiler notwithstanding anything contained in section 10.

Production of certificates, etc.

15. The owner of any boiler who holds a certificate or provisional order relating thereto shall, at all reasonable times during the period for which the certificate or order is in force, be bound to produce the same when called upon to do so by a District Magistrate, Commissioner of Police or Magistrate of the first class having jurisdiction in the area in which the boiler is for the time being, or by the Chief Inspector or by an Inspector or by any Inspector appointed under the Indian Factories Act, 1911, or XII of 1911. by any person specially authorised in writing by a District Magistrate or Commissioner of Police.

Transfer of certificates, etc.

16. If any person becomes the owner of a boiler during the period for which a certificate or provisional order relating thereto is in force, the preceding owner shall be bound to make over to him the certificate or provisional order.

Powers of entry.

17. An Inspector may, for the purpose of inspecting or examining a boiler or any steam-pipe attached thereto or of seeing that any provision of this Act or of any regulation or rule made hereunder has been or is being observed, at all reasonable times enter any place or building within the limits of the area for which he has been appointed in which he has reason to believe that a boiler is in use.

Report of accidents.

18. (*1*) If any accident occurs to a boiler or steam-pipe, the owner or person in charge thereof shall, within twenty-four hours of the accident, report the same in writing to the Inspector. Every such report shall contain a true description of the nature of the accident and of the injury, if any, caused thereby to the boiler or to the steam-pipe or to any person, and shall be in sufficient detail to enable the Inspector to judge of the gravity of the accident.

(*2*) Every person shall be bound to answer truly to the best of his knowledge and ability every question

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tion put to him in writing by the Inspector as to the cause, nature or extent of the accident.

Appeals to Chief Inspector.

19. Any person considering himself aggrieved by—

(*a*) an order made or purporting to be made by an Inspector in the exercise of any power conferred by or under this Act, or

(*b*) a refusal of an Inspector to make any order or to issue any certificate which he is required or enabled by or under this Act to make or issue,

may, within thirty days from the date on which such order or refusal is communicated to him, appeal against the order or refusal to the Chief Inspector.

Appeals to appellate authority.

20. Any person considering himself aggrieved by an original or appellate order of the Chief Inspector—

(*a*) refusing to register a boiler or to grant or renew a certificate in respect of a boiler; or

(*b*) refusing to grant a certificate having validity for the full period applied for; or

(*c*) refusing to grant a certificate authorising the use of a boiler at the maximum pressure desired; or

(*d*) withdrawing or revoking a certificate or provisional order; or

(*e*) reducing the amount of pressure specified in any certificate or the period for which such certificate has been granted; or

(*f*) ordering any structural alteration, addition or renewal to be made in or to a boiler or steam-pipe, or refusing sanction to the making of any structural alteration, addition or renewal in or to a boiler,

may, within thirty days of the communication to him of such order, lodge with the Chief Inspector an appeal to an appellate authority to be constituted by the Local Government under this Act.

21. An

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Finality of orders.

21. An order of an appellate authority under section 20 and, save as otherwise provided in sections 19 and 20, an order of the Chief Inspector or of an Inspector shall be final and shall not be called in question in any Court.

Minor penalties.

22. Any owner of a boiler who refuses or without reasonable excuse neglects—

(*i*) to surrender a provisional order as required by section 9, or

(*ii*) to produce a certificate or provisional order when duly called upon to do so under section 15, or

(*iii*) to make over to the new owner of a boiler a certificate or provisional order as required by section 16,

shall be punishable with fine which may extend to one hundred rupees.

Penalties for illegal use of boiler.

23. Any owner of a boiler who, in any case in which a certificate or provisional order is required for the use of the boiler under this Act, uses the boiler either without any such certificate or order being in force or at a higher pressure than that allowed thereby, shall be punishable with fine which may extend to five hundred rupees, and, in the case of a continuing offence, with an additional fine which may extend to one hundred rupees for each day after the first day in regard to which he is convicted of having persisted in the offence.

Other penalties.

24. Any person who—

(*a*) uses or permits to be used a boiler of which he is the owner and which has been transferred from one province to another without such transfer having been reported as required by section 6, or

(*b*) being the owner of a boiler fails to cause the register number allotted to the boiler under this Act to be marked on the boiler as required by sub-section (*6*) of section 7, or

(*c*) makes

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(*c*) makes any structural alteration, addition or renewal in or to a boiler without first obtaining the sanction of the Chief Inspector when so required by section 12, or to a steam-pipe without first informing the Chief Inspector, when so required by section 13, or

(*d*) fails to report an accident to a boiler or steam-pipe when so required by section 18, or

(*e*) tampers with a safety valve of a boiler so as to render it inoperative at the maximum pressure at which the use of the boiler is authorised under this Act,

shall be punishable with fine which may extend to five hundred rupees.

Penalty for tampering with register mark.

25. (*1*) Whoever removes, alters, defaces, renders invisible or otherwise tampers with the register number marked on a boiler in accordance with the provisions of this Act or any Act repealed hereby, shall be punishable with fine which may extend to five hundred rupees.

(*2*) Whoever fraudulently marks upon a boiler a register number which has not been allotted to it under this Act or any Act repealed hereby, shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

Limitation and previous sanction for prosecutions.

26. No prosecution for an offence made punishable by or under this Act shall be instituted except within six months from the date of the commission of the offence, and no such prosecution shall be instituted without the previous sanction of the Chief Inspector.

Trial of offences.

27. No offence made punishable by or under this Act shall be tried by a Court inferior to that of a Presidency Magistrate or a Magistrate of the first class.

Power to make regulations.

28. The Governor General in Council may, by notification in the Gazette of India, make regulations consistent

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consistent with this Act for all or any of the following purposes, namely :—

(*a*) for laying down the standard conditions in respect of material, design and construction which shall be required for the purpose of enabling the registration and certification of a boiler under this Act;

(*b*) for prescribing the method of determining the maximum pressure at which a boiler may be used;

(*c*) for regulating the registration of boilers, prescribing the fees payable therefor, the drawings, specifications, certificates and particulars to be produced by the owner, the method of preparing a boiler for examination, the form of the Inspector's report thereon, the method of marking the register number, and the period within which such number is to be marked on the boiler;

(*d*) for regulating the inspection and examination of boilers and steam-pipes, and prescribing forms of certificates therefor;

(*e*) for ensuring the safety of persons working inside a boiler; and

(*f*) for providing for any other matter which is not, in the opinion of the Governor General in Council, a matter of merely local or provincial importance.

Power to make rules.

29. The Local Government may, by notification in the local official Gazette, make rules consistent with this Act and the regulations made thereunder for all or any of the following purposes, namely :—

(*a*) for prescribing the qualifications and duties of the Chief Inspector and of Inspectors, for regulating their salary, allowances and conditions of service, for prescribing or constituting authorities to which they shall respectively be subordinate, and the limits of the administrative control to be exercised by such authorities;

(*b*) for

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(*b*) for regulating the transfer of boilers;

(*c*) for providing for the registration and certification of boilers in accordance with the regulations made under this Act;

(*d*) for requiring boilers to be in charge of persons holding certificates of competency, and for prescribing the conditions on which such certificates may be granted;

(*e*) for prescribing the times within which Inspectors shall be required to examine boilers under section 7 or section 8;

(*f*) for prescribing the fees payable for the issue of renewed certificates and the method of determining the amount of such fees in each case;

(*g*) for regulating inquiries into accidents;

(*h*) for constituting the appellate authority referred to in section 20, and for determining its powers and procedure;

(*i*) for determining the mode of disposal of fees, costs and penalties levied under this Act; and

(*j*) generally to provide for any matter which is, in the opinion of the Local Government, a matter of merely local importance in the province:

Provided that the previous sanction of the Governor General in Council shall be required to the making of any rule under clause (*j*).

Penalty for breach of rules.

30. Any regulation or rule made under section 28 or section 29 may provide that a contravention thereof shall be punishable with fine which may extend to one hundred rupees.

Publication of regulations and rules.

31. (*1*) The power to make regulations and rules conferred by sections 28 and 29 shall be subject to the condition of the regulations and rules being made after previous publication.

(*2*) Regulations and rules so made shall be published in the Gazette of India and the local official Gazette,

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Gazette, respectively, and, on such publication, shall have effect as if enacted in this Act.

Recovery of fees, etc.

32. All fees, costs and penalties levied under this Act shall be recoverable as arrears of land-revenue.

Applicability to the Crown.

33. Save as otherwise expressly provided, this Act shall apply to boilers and steam-pipes belonging to the Crown.

Power to suspend in case of emergency.

34. In case of any emergency, the Local Government may, by general or special order in writing, exempt any boiler or steam-pipe from the operation of all or any of the provisions of this Act.

Repeal of enactments.

35. On and from the commencement of this Act, the enactments mentioned in the Schedule shall be repealed to the extent specified in the fourth column thereof:

Provided that any Chief Inspector or Inspector appointed under any Act so repealed shall be deemed to have been appointed under this Act.

THE SCHEDULE.

(*See section 35.*)

ENACTMENTS REPEALED.

Year.	No.	Short title.	Extent of repeal.
		Acts of the Governor General in Council.	
1903	I	The Amending Act, 1903 .	So much of the First Schedule as relates to the Bengal Steam-boilers and Prime-movers Act, 1879.
1920	XXXVIII	The Devolution Act, 1920 .	So much of the First Schedule as relates to the Bengal Steam-boilers and Prime-movers Act, 1879.
		Madras Acts.	
1893	III	The Madras Steam-boilers and Prime-movers Act, 1893.	The whole.

THE SCHEDULE

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THE SCHEDULE—*contd.*

Year.	No.	Short title.	Extent of repeal.
1904	I	The Madras Steam-boilers and Prime-movers (Amendment) Act, 1904.	The whole.
1909	VII	The Madras Steam-boilers and Prime-movers (Amendment) Act, 1909.	The whole.
		Bombay Acts.	
1917	V	The Bombay Boiler Inspection Act, 1917.	The whole.
1920	X	The Bombay Boiler Inspection (Amendment) Act, 1920.	The whole.
		Bengal Acts.	
1879	III	The Bengal Steam-boilers and Prime-movers Act, 1879.	The whole.
1915	II	The Bengal Steam-boilers and Prime-movers (Amendment) Act, 1915.	The whole.
		United Provinces Act.	
1915	III	The United Provinces Steam-boilers Act, 1915.	The whole.
		Punjab Act.	
1902	II	The Punjab Steam-boilers and Prime-movers Act, 1902.	The whole.
		Central Provinces Acts.	
1907	II	The Central Provinces Boiler Inspection Act, 1907.	The whole.
1919	IV	The Central Provinces Boiler Inspection (Amendment) Act, 1919.	The whole.
		Burma Act.	
1910	II	The Burma Steam-boilers and Prime-movers Act, 1910.	The whole.

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ACT No. VI of 1923.

[Passed by the Indian Legislature.]

(*Received the assent of the Governor General on the 5th March, 1923.*)

An Act further to amend and to consolidate the law relating to the provision of house-accommodation for military officers in cantonments.

WHEREAS it is expedient further to amend and to consolidate the law relating to the provision of house-accommodation for military officers in cantonments; It is hereby enacted as follows :—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (*1*) This Act may be called the Cantonments (House-Accommodation) Act, 1923.

(*2*) It extends to the whole of British India (inclusive of British Baluchistan) except Aden.

(*3*) It shall come into force on the first day of April, 1923, but it shall not become operative in any cantonment or part of a cantonment until the issue, or otherwise than in pursuance, of a notification as hereinafter provided by section 3 :

Provided that any notification made under section 3 of the Cantonments (House-Accommodation) Act, 1902, which is in force at the commencement of this Act, shall be deemed to be a notification made under section 3 of this Act.

II of 1902.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*a*) " Brigade area " means one of the Brigade areas, whether occupied by a brigade or not,

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not, into which India is for military purposes for the time being divided, and includes any area which the Governor General in Council may, by notification in the Gazette of India, declare to be a Brigade area for all or any of the purposes of this Act;

(*b*) " Cantonment Authority " means a Cantonment Committee, or, in the case of a cantonment for which such a Committee has not been constituted or has ceased to exist or cannot be convened, the Commanding Officer of the cantonment;

(*c*) " Command " means one of the Commands into which India is for military purposes for the time being divided, and includes any area which the Governor General in Council may, by notification in the Gazette of India, declare to be a Command for all or any of the purposes of this Act;

(*d*) " Commanding Officer of the cantonment " means the officer for the time being in command of the forces in a cantonment;

(*e*) " District " means one of the Districts into which India is for military purposes for the time being divided; it includes a Brigade area which does not form part of any such District and any area which the Governor General in Council may, by notification in the Gazette of India, declare to be a District for all or any of the purposes of this Act;

(*f*) " house " means a house suitable for occupation by a military officer or a military mess, and includes the land and buildings appurtenant to a house;

(*g*) " military officer " means a commissioned or warrant officer of His Majesty's military or air forces on military or air-force duty in a cantonment, and includes a Chaplain

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Chaplain on duty with troops in a cantonment, a Cantonment Magistrate and any person in Army departmental employment whom the Officer Commanding the District may at any time, by an order in writing, place on the same footing as a military officer for the purposes of this Act;

(*h*) "owner" includes the person who is receiving, or is entitled to receive, the rent of a house, whether on his own account or on behalf of himself and others or as an agent or trustee, or who would so receive the rent, or be entitled to receive it, if the house were let to a tenant; and

(*i*) a house is said to be in a state of reasonable repair when—

(*i*) all floors, walls, pillars and arches are sound and all roofs sound and watertight,

(*ii*) all doors and windows are intact, properly painted or oiled, and provided with proper locks or bolts or other secure fastenings, and

(*iii*) all rooms, out-houses and other appurtenant buildings are properly colour-washed or white-washed.

(*2*) If any question arises whether any land or building is appurtenant to a house, it shall be decided by the Commanding Officer of the cantonment, whose decision thereon shall, subject to revision by the District Magistrate, be final.

CHAPTER II.

APPLICATION OF ACT.

3. (*1*) The Local Government, with the previous sanction of the Governor General in Council, may, by Cantonments or parts of cantonments

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in which Act to be operative.

by notification in the local official Gazette, declare this Act to be operative in any cantonment or part of a cantonment situate in the Province, other than a cantonment situate within the limits of a presidency-town.

(*2*) Before issuing a notification under sub-section (*1*) in respect of any cantonment or part of a cantonment, the Local Government shall cause local inquiry to be made with a view to determining whether it is expedient to issue such notification, and what portion (if any) of the area proposed to be included therein should be excluded therefrom.

Saving of written instruments.

4. Nothing in this Act shall affect the provisions of any written instrument executed by or on behalf of the East India Company or the Government, unless the other party entitled and the Secretary of State for India in Council consent in writing to be bound by the terms of this Act.

CHAPTER III.

Appropriation of Houses.

Liability of houses to appropriation.

5. Every house situate in a cantonment or part of a cantonment in respect of which a notification under sub-section (*1*) of section 3 is for the time being in force shall be liable to appropriation by the Government on a lease in the manner and subject to the conditions hereinafter provided.

Inspection of house required for occupation by the military.

6. (*1*) Where the Commanding Officer of the cantonment considers that the liability imposed by section 5 should be enforced in respect of any house, he shall serve a notice on the owner of the house requiring him to permit the house to be inspected, measured and surveyed by such person and on such day, not being less than three days from the service of the notice, and at such time as may be specified in the notice.

(*2*) On the day and at the time so specified, the owner shall be bound to afford all reasonable facilities

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facilities to the person specified in the notice for the purpose of the inspection, measurement and survey of the house, and, if he refuses or neglects to do so, the said person may, subject to rules made under this Act, enter on the premises and do all such things as may be reasonably necessary for the said purpose.

Procedure for taking house on lease.

7. (*1*) If, on the report of such person as aforesaid, the Commanding Officer of the cantonment is satisfied that the house is suitable for occupation by a military officer or a military mess, he may, with the previous sanction of the Officer Commanding the District, by notice—

(*a*) require the owner to execute a lease of the house to the Government for a specified period which shall not be less than five years;

(*b*) require the existing occupier, if any, to vacate the house; and

(*c*) require the owner to execute within such time as may be specified in the notice such repairs as may, in the opinion of the Commanding Officer of the cantonment, be necessary for the purpose of putting the house into a state of reasonable repair.

(*2*) Every notice issued under sub-section (*1*) shall state the amount of the annual rent proposed as reasonable for the house, calculated on the assumption that the owner will carry out the required repairs, if any. It shall also contain an estimate of the cost of such repairs.

(*3*) The following shall be deemed to be conditions of every lease executed under sub-section (*1*), namely :—

(*a*) that the house shall, on the expiration of the lease, be re-delivered to the owner in a state of reasonable repair, and

(*b*) that the grounds and the garden, if any, appertaining to the house shall be maintained in the condition in which they are at the time at which the lease is executed.

8. The

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Procedure to be observed before taking a house on lease.

8. The Officer Commanding the District shall not sanction the issue of any notice under section 7 unless he is satisfied—

(*i*) that the house in respect of which it is proposed to issue the notice is suitable for occupation by a military officer or a military mess, and

(*ii*) that there is not in the cantonment, or, if this Act is in force in a part only of the cantonment, then in that part thereof, a sufficient number of houses already available and suitable for occupation by military officers or military messes whose accommodation in the cantonment, or a part thereof, as the case may be, is in his opinion necessary or expedient.

Sanction to be obtained before a house is occupied as a hospital, etc.

9. No house in any cantonment or part of a cantonment in which this Act is operative shall, unless it was so occupied at the date of the issue of the notification declaring this Act or the Cantonments (House-Accommodation) Act, 1902, as the case may be, to be operative, be occupied for the purposes of a hospital, school, school hostel, bank, hotel, or shop, or by a railway administration, a company or firm engaged in trade or business or a club, without the previous sanction of the Officer Commanding the District given with the concurrence of the Commissioner or, in a province where there are no Commissioners, of the Collector. II of 1902.

Houses not to be appropriated in certain cases.

10. No notice shall be issued under section 7 if the house—

(*a*) was, at the date of the issue of the notification declaring this Act or the Cantonments (House-Accommodation) Act, 1902, as the case may be, to be operative in the cantonment or part of the cantonment, or is, with such sanction as is required by section 9, occupied as a hospital, school, school hostel, bank, hotel or shop, and has been so occupied continuously II of 1902.

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continuously during the three years immediately preceding the time when the occasion for issuing the notice arises, or

(*b*) was, at the date of such a notification as is referred to in clause (*a*), or is, with such sanction as aforesaid, occupied by a railway administration or by a company or firm engaged in trade or business or by a club, or

(*c*) is occupied by the owner, or

(*d*) has been appropriated by the Local Government with the concurrence of the Officer Commanding the District, or by the Governor General in Council, for use as a public office or for any other purpose.

Time to be allowed for giving possession of house.

11. (*1*) If a house is unoccupied, a notice issued under section 7 may require the owner to give possession of the same to the Commanding Officer of the cantonment within twenty-one days from the service of the notice.

(*2*) If a house is occupied, a notice issued under section 7 shall not require its vacation in less than thirty days from the service of the notice.

(*3*) Where a notice has been issued under section 7 and the house has been vacated in pursuance thereof, the lease shall be deemed to have commenced on the date on which the house was so vacated.

Surrender of house when to be enforced.

12. If the owner fails to give possession of a house to the Commanding Officer of the cantonment in pursuance of a notice issued under section 7, or if the existing occupier fails to vacate a house in pursuance of such a notice, the District Magistrate, by himself or by another person generally or specially authorised by him in this behalf, shall enter on the premises and enforce the surrender of the house.

Option in certain cases for owner on whom

13. (*1*) If a house, in respect of which a notice is issued under section 7, is shown to the satisfaction of the Local Government, or is proved by a decree

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notice is issued under section 7 to call upon the Government to purchase.

decree or order of a Court of competent jurisdiction, to have been erected—

(*a*) under any conditions, rules, regulations or orders which were in force in Bengal prior to the eighth day of December, 1864, and conferred on the owner the option of offering the house for sale to the military officer applying for its appropriation for his occupation or to the East India Company or the Government, or

(*b*) under any conditions, rules, regulations or orders which were in force in Bombay prior to the first day of June, 1875, and conferred such an option as is described in clause (*a*),

then the owner shall have the option of either complying with the notice or offering the house for sale to the Government.

(*2*) If the owner elects to sell the house, and the Government is willing to purchase it, the question of the amount of the purchase-money to be paid shall, in the event of disagreement, be referred to a Committee of Arbitration.

Provision where house is held on long lease by a tenant.

14. (*1*) If a house, in respect of which a notice is issued under section 7, is occupied by a tenant holding in good faith and for valuable consideration under a registered lease for any term exceeding one year, the Secretary of State for India in Council shall, for the term of one year from the date on which the house is vacated in pursuance of the notice, or for the unexpired term of the lease whichever is the shorter, be liable to the owner for the rent fixed by the registered lease instead of for the rent payable under this Act if the rent so fixed exceeds the rent so payable.

(*2*) If a house, in respect of which a notice is issued under section 7, is occupied by a tenant holding in good faith and for valuable consideration under a registered lease from year to year, the Secretary of State for India in Council shall be liable as aforesaid for the term of six months from the

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the date on which the house is vacated in pursuance of the notice.

(*3*) Nothing in this section shall be deemed—

(*a*) to render the said Secretary of State in Council so liable unless an application in writing in this behalf is made by the owner to the Commanding Officer of the cantonment within fifteen days from the service of the notice; or

(*b*) to limit or otherwise affect any agreement between the said Secretary of State in Council and the owner.

Power for owner to require reference to arbitration on question of rent.

15. (*1*) If the owner considers that the rent stated in a notice issued under section 7 is not reasonable, he may, within a period of fifteen days from the service of such notice, require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration.

(*2*) If the owner does not make such a requisition within the said period, he shall be deemed to have accepted the rent so offered.

Power for owner to require reference to arbitration on question of repairs.

16. (*1*) If the owner fails to execute any repairs to a house as required by a notice issued to him under section 7, the Commanding Officer of the cantonment may by notice require the owner to execute the repairs within such period, not being less than fifteen days, as may be specified in the notice.

(*2*) If the owner objects to any requisition contained in a notice issued under sub-section (*1*), he may, within fifteen days from the service of the notice, require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration.

Power to have repairs executed and recover cost.

17. Where—

(*a*) the owner fails to comply with a notice issued under sub-section (*1*) of section 16 and has not, within fifteen days from the service of such notice, required that the matter be referred to a Committee of Arbitration, or

(*b*) a

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(*b*) a Committee of Arbitration decides that repairs are necessary and the extent to which they are necessary, and specifies the period within which they are to be executed, and the owner fails to execute them within such period, and has not within one month from the date of the decision appealed therefrom to the Civil Court as hereinafter provided, or

(*c*) the owner fails to execute within such period as may be specified by the Civil Court hearing such appeal such repairs as the Court may decide to be necessary,

the Military Works Services or the Public Works Department shall, on the application of the Commanding Officer of the cantonment, cause the repairs specified in the notice or, if the matter has been referred to a Committee of Arbitration, in the decision of the Committee or the Civil Court, as the case may be, to be executed at the expense of the Government, and the cost thereof may be deducted from the rent payable to the owner.

Notice to be given of devolution of interest in house in cantonment.

18. Every person on whom devolves, by transfer, by succession or by operation of law, the interest of an owner in any house, or in any part of any house, situate in a cantonment or part of a cantonment in respect of which a notification under subsection (*1*) of section 3 is for the time being in force, shall be bound to give notice of the fact to the Commanding Officer of the cantonment within one month from the date of such devolution, and, if he, without reasonable cause, fails to do so, he shall be punishable with fine which may extend to fifty rupees.

CHAPTER IV.

COMMITTEES OF ARBITRATION.

Convening of Committees of Arbitration in

19. In the event of any disagreement as to the amount of the purchase-money of a house to be sold under

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under sub-section (*2*) of section 13, the Commanding Officer of the cantonment shall forthwith proceed to convene a Committee of Arbitration to determine it. cases falling under sub-section (*2*) of section 13.

20. Where a requisition is made to the Commanding Officer of the cantonment by an owner under section 15 or section 16, the Commanding Officer of the cantonment shall forthwith proceed to convene a Committee of Arbitration— Convening of Committees of Arbitration on requisition of owners.

(*a*) to determine the amount of the rent to be paid, or

(*b*) to determine whether any, and (if any) what, repairs are necessary, the extent to which they are necessary, and the period within which they are to be executed, or

(*c*) otherwise to determine the question in dispute.

21. (*1*) Where a Committee of Arbitration is to be convened, the Commanding Officer of the cantonment shall forthwith cause an order to be published in Station Orders stating the matter to be determined. Procedure for convening Committees of Arbitration generally.

(*2*) The Commanding Officer of the cantonment shall forthwith send a copy of such order to the District Magistrate and to the parties concerned, and, as soon as may be, shall by notice call upon the owner concerned to make, and shall himself make, nominations in accordance with the provisions of sections 22 and 23.

22. (*1*) Every Committee of Arbitration shall consist of five members, namely :— Constitution of Committee of Arbitration.

(*a*) two members nominated by the Commanding Officer of the cantonment, one of whom shall, if possible, be an officer of the Military Works Services or of the Public Works Department;

(*b*) two members nominated by the owner concerned, who shall be persons liable to pay taxes in the cantonment and ordinarily

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ordinarily resident therein or in the immediate vicinity thereof; and

(*c*) a chairman who shall be a person not in the service of the Government or the Cantonment Authority and not having any interest in house-property in the cantonment, which has been appropriated or is liable to appropriation under this Act, and who shall be nominated by the Commanding Officer of the cantonment.

(*2*) If the Commanding Officer of the cantonment or the owner concerned fails without reasonable cause to nominate, within seven days from the date on which the owner has been called upon to make nominations under section 21, any member whom he is entitled to nominate under sub-section (*1*) or if any member who has been nominated neglects or refuses to act and the person by whom such member was nominated fails to nominate another member in his place within seven days from the date on which he may be called upon to do so by the District Magistrate, the District Magistrate shall forthwith appoint a member or members to fill the vacancy or vacancies.

Members of Committees of Arbitration to be persons who have no direct interest and whose services are immediately available.

23. (*1*) No person who has a direct interest in the matter under reference or whose services are not immediately available for the purposes of the Committee shall be nominated a member of a Committee of Arbitration.

(*2*) If, in the opinion of the District Magistrate, any person who has been nominated has a direct interest in the matter under reference, or is otherwise disqualified for nomination, or if the services of any such person are not immediately available as aforesaid, and if the person by whom any such person was nominated fails to nominate another member within seven days from the date on which he may be called upon to do so by the District Magistrate, such failure shall be deemed to constitute a failure to make a nomination within the meaning of section 22.

24. (*1*) When

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Meetings and powers of Committees of Arbitration.

24. (*1*) When a Committee of Arbitration has been duly constituted, the Commanding Officer of the cantonment shall by notice inform each of the members of the fact, and the Committee shall meet as soon as may be thereafter.

(*2*) The Committee shall receive and record evidence and shall have power to administer oaths to witnesses, and the District Magistrate, on requisition in writing signed by the Chairman of the Committee, shall issue the necessary processes for the attendance of witnesses and the production of documents required by the Committee, and may enforce the said processes as if they were processes for attendance or production before himself.

Powers of Chairman of Committee of Arbitration as to meetings.

25. The Chairman of the Committee of Arbitration shall fix the time and place of meeting, and shall have power to adjourn the meeting from time to time as may be necessary.

Calculation of amount of purchase-money by Committees of Arbitration.

26. In determining the amount of the purchase-money to be paid for a house to be sold under sub-section (*2*) of section 13, the Committee of Arbitration shall estimate the market value of the house at the date on which the notice was served on the owner under section 7.

Calculation of rent by Committees of Arbitration.

27. In determining the amount of rent to be paid for a house, the Committee of Arbitration shall estimate the market value of the house at the date on which the notice was served on the owner under section 7, and shall fix the annual rent at such percentage on that value as is for the time being recoverable by way of annual rent on the market-value of similar houses in the cantonment:

Provided that due allowance shall be made in respect of the cost to the lessee of maintaining the house in a state of reasonable repair during the period of the lease.

Decisions of Committees of Arbitration.

28. (*1*) The decision of every Committee of Arbitration shall be in accordance with the majority of votes taken at a meeting at which the chairman and at least three of the other members are present.

(*2*) If

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(*2*) If there is not a majority of votes in favour of any proposed decision, the opinion of the chairman shall prevail.

(*3*) Save as provided in this Act, the decision of a Committee of Arbitration shall be final and shall not be questioned in any Court.

CHAPTER V.

APPEALS.

Appeal to Civil Court.

29. (*1*) If the Commanding Officer of the cantonment, or the owner of a house in respect of which any matter has been referred to a Committee of Arbitration, is dissatisfied with any decision of the Committee of Arbitration, he may, within one month from the date of such decision, appeal to the principal Civil Court having ordinary original civil jurisdiction in the cantonment, and the decision of such Court shall be final.

(*2*) A Civil Court hearing an appeal under this section shall, so far as may be, follow the same procedure and have the same powers as it follows and has when hearing an appeal under the Code of Civil Procedure, 1908. V of 1908.

Appeal to military authorities.

30. (*1*) The owner or any tenant of a house in respect of which a notice has been issued under section 7 may appeal to the Officer Commanding the District or, if that officer is the Commanding Officer of the cantonment, to the General Officer Commanding-in-Chief, the Command, against the decision of the Commanding Officer of the cantonment to appropriate the house.

(*2*) No such appeal shall be admitted unless made within a period of twenty-one days from the service of the notice aforesaid, and such period shall be computed in accordance with the provisions of the Indian Limitation Act, 1908, with respect to the computation of periods of limitation thereunder. IX of 1908.

31. (*1*) Every

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Petition of appeal.

31. (*1*) Every petition of appeal under section 30 shall be in writing and accompanied by a copy of the notice appealed against.

(*2*) Any such petition may be presented to the Commanding Officer of the cantonment, and that officer shall be bound to forward it to the authority empowered by section 30 to hear the appeal, and may attach thereto any report which he may desire to make in explanation of the notice appealed against.

(*3*) If any such petition is presented direct to the Officer Commanding the District and an immediate order on the petition is not necessary, the Officer Commanding the District may refer the petition to the Commanding Officer of the cantonment for report.

Order in appeal final.

32. The decision on any such appeal of the Officer Commanding the District or of the General Officer Commanding-in-Chief, the Command, as the case may be, shall be final, and shall not be questioned in any Court otherwise than on the ground that the house is situate in a cantonment, or part of a cantonment in which this Act is not operative:

Provided that no appeal shall be decided until the appellant has been heard or has had a reasonable opportunity of being heard in person or through a legal practitioner.

Suspension of action pending appeal.

33. Where an appeal has been presented under section 30 within the period prescribed by sub-section (*2*) of that section, all action on the notice shall, on the application of the appellant, be held in abeyance pending the decision of the appeal.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

Service of notice and requisitions.

34. Every notice or requisition prescribed by this Act shall be in writing, signed by the person by whom it is given or made or by his duly appointed agent,

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agent, and may be served by post on the person to whom it is addressed, or, in the case of an owner who does not reside in or near the cantonment, on his agent appointed under the Cantonments Act, 1910, or any rule made thereunder. XV of 1910.

Power for Governor General in Council to make rules.

35. (*1*) The Governor General in Council may make rules to carry out the purposes and objects of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) regulate the procedure of Committees of Arbitration; and

(*b*) define the powers of entry, inspection, measurement or survey which may be exercised in carrying out the purposes and objects of this Act or of any rule made hereunder.

Further provisions respecting rules.

36. (*1*) The power to make rules under section 35 shall be subject to the condition of the rules being made after previous publication and of their not taking effect until they have been published in the Gazette of India and in such other manner (if any) as the Governor General in Council may direct.

(*2*) Any rule under section 35 may be general for all cantonments or parts of cantonments in British India in which this Act is for the time being operative, or may be special for any of such cantonments or parts as the Governor General in Council may direct.

(*3*) A copy of the rules under section 35 for the time being in force in a cantonment shall be kept open to inspection free of charge at all reasonable times in the office of the Cantonment Authority.

(*4*) In making any rule under clause (*b*) of sub-section (*2*) of section 35, the Governor General in Council may direct that whoever obstructs any person, not being a public servant within the meaning of section 21 of the Indian Penal Code, in making any entry, inspection, measurement or survey, shall be punishable with fine which may extend to fifty XLV of 1860.

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fifty rupees, and, in the case of a continuing offence, with fine which, in addition to such fine as aforesaid, may extend to five rupees for every day after the first during which such offence continues.

Inapplicability of section 556 of the Code of Criminal Procedure, 1898, to trials of offences.

37. No Judge or Magistrate shall be deemed, within the meaning of section 556 of the Code of V of 1898. Criminal Procedure, 1898, to be a party to, or personally interested in, any prosecution for an offence constituted by or under this Act merely because he is a member of the Cantonment Committee or has ordered or approved the prosecution.

Protection to persons acting under Act.

38. No suit or other legal proceeding shall lie against any person for anything in good faith done, or intended to be done, under this Act or in pursuance of any lawful notice or order issued under this Act.

Repeals.

39. On and from the commencement of this Act, the enactments mentioned in the Schedule shall be repealed to the extent specified in the fourth column thereof.

THE SCHEDULE.

[ENACTMENTS REPEALED.]

(*See section 39.*)

Year.	No.	Short title.	Extent of repeal.
1902	II	The Cantonments (House-Accommodation) Act, 1902.	The whole.
1909	V	The Amending (Army) Act, 1909.	So much as has not been repealed.
1914	IV	The Decentralization Act, 1914.	So much of the Schedule as relates to the Cantonments (House-Accommodation) Act, 1902.

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ACT No. VII OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(*Received the assent of the Governor General on the 5th March, 1923.*)

An Act to give effect in British India to the Treaty for the Limitation of Naval Armament.

WHEREAS it is expedient to give effect in British India to the Treaty for the Limitation of Naval Armament signed at Washington on behalf of His Majesty on the sixth day of February, 1922; It is hereby enacted as follows:—

Short title, extent, and commencement.

1. (*1*) This Act may be called the Indian Naval Armament Act, 1923.

(*2*) It extends to the whole of British India, and applies also to all subjects and servants of His Majesty in other parts of India.

(*3*) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "competent Court" means the High Court or such other Court having unlimited original civil jurisdiction as the Governor General in Council may declare to be a competent Court for the purposes of this Act;

(*b*) "ship" means any boat, vessel, battery or craft, whether wholly or partly constructed, which is intended to float or is capable of floating, on water, and includes all equipment belonging to any ship; and

(*c*) "the

[*Price three annas and three pies.*]

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(*c*) "the Treaty" means those Articles of the Treaty for the Limitation of Naval Armament signed at Washington on behalf of His Majesty on the sixth day of February, 1922, which are set out in the Schedule.

Restriction on building or equipping vessels of war.

3. No person shall, except under and in accordance with the conditions of a licence granted under this Act,—

(*a*) build any vessel of war, or alter, arm or equip any ship so as to adapt her for use as a vessel of war; or

(*b*) despatch or deliver, or allow to be despatched or delivered, from any place in British India any ship which has been, either wholly or partly, built, altered, armed or equipped as a vessel of war in any part of His Majesty's Dominions or in a State in India otherwise than under and in accordance with any law for the time being in force in that part or State.

Licences.

4. (*1*) A licence under this Act for any of the purposes specified in section 3 may be granted by the Local Government, and shall not be refused unless it appears to the Local Government that such refusal is necessary for the purpose of securing the observance of the obligations imposed by the Treaty; and, where a licence is granted subject to conditions, the conditions shall be such only as the Local Government may think necessary for the purpose aforesaid.

(*2*) An application for a licence under this section shall be in such form and shall be accompanied by such designs and particulars as the Local Government may, by general or special order, require.

Offences against the Act.

5. (*1*) If any person contravenes any of the provisions of section 3, he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

(*2*) Where

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(*2*) Where an offence punishable under sub-section (*1*) has been committed by a company or corporation, every director and manager of such company or corporation shall be punishable thereunder unless he proves that the act constituting the offence took place without his knowledge and consent.

(*3*) Nothing contained in section 517 or section 518 or section 520 of the Code of Criminal Procedure, 1898, shall be deemed to authorise the destruction or confiscation under the order of any Criminal Court of any ship which is liable to forfeiture under this Act or of any part of such ship.

V of 1898.

6. Any ship which has been, either wholly or partly, built, altered, armed, or equipped as a vessel of war in British India in contravention of section 3, or in any other part of His Majesty's Dominions or any State in India in contravention of any like provision of law in force in that part or State, shall, if found in British India, be liable to forfeiture under this Act.

Liability of ships to forfeiture.

7. (*1*) Where a ship is liable to forfeiture under this Act,—

Seizure, detention and search of ships.

(*a*) any Presidency Magistrate or Magistrate of the first class, or

(*b*) any commissioned officer on full pay in the military, naval or air service of His Majesty, or any gazetted officer of the Royal Indian Marine Service, or

(*c*) any officer of customs or police-officer not below such rank as may be designated in this behalf by the Governor General in Council,

may seize such ship and detain it, and, if the ship is found at sea within the territorial waters of British India, may bring it to any convenient port in British India.

(*2*) Any officer taking any action under sub-section (*1*) shall forthwith report the same through his official superiors to the Local Government.

(*3*) The Local Government shall, within thirty days of the seizure, either cause the ship to be released

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released or make or cause to be made, in the manner hereinafter provided, an application for the forfeiture thereof, and may make such orders for the temporary disposal of the ship as it thinks suitable.

Procedure in forfeiture of ships.

8. (*1*) An application for the forfeiture of a ship under this Act may be made by, or under authority from, the Local Government to any competent Court within the local limits of whose jurisdiction the ship is for the time being.

(*2*) On receipt of any such application, the Court shall cause notice thereof and of the date fixed for the hearing of the application to be served upon all persons appearing to it to have an interest in the ship, and may give such directions for the temporary disposal of the ship as it thinks fit.

(*3*) For the purpose of disposing of an application under this section, the Court shall have the same powers and follow, as nearly as may be, the same procedure as it respectively has and follows for the purpose of the trial of suits under the Code of Civil Procedure, 1908, and any order made by the Court under this section shall be deemed to be a decree, and the provisions of the said Code in regard to the execution of decrees shall, as far as they are applicable, apply accordingly. V of 1908.

(*4*) Where the Court is satisfied that the ship is liable to forfeiture under this Act, it shall pass an order forfeiting the ship to His Majesty:

Provided that, where any person having an interest in the ship proves to the satisfaction of the Court that he has not abetted, or connived at, or by his negligence facilitated, in any way, a contravention of section 3 in respect of the ship, and such ship has not been built as a vessel of war, it may pass such other order as it thinks fit in respect of the ship or, if it be sold, of the sale proceeds thereof:

Provided, further, that in no case shall any ship which has been altered, armed or equipped as a vessel of war be released until it has been restored, to the satisfaction of the Local Government, to such condition

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condition as not to render it liable to forfeiture under this Act.

(5) The Local Government or any person aggrieved by any order of a Court, other than a High Court, under this section may, within three months of the date of such order, appeal to the High Court.

Disposal of forfeit.

9. Where a ship has been forfeited to His Majesty under section 8, it may be disposed of in such manner as the Local Government, subject to the control of the Governor General in Council, directs:

Provided that, where the ship is sold under this section, due regard shall be had to the obligations imposed by the Treaty.

Special proof of relevant facts.

10. If, in any trial, appeal or other proceeding under the foregoing provisions of this Act, any question arises as to whether a ship is a vessel of war, or whether any alteration, arming or equipping of a ship is such as to adapt it for use as a vessel of war, the question shall be referred to and determined by the Governor General in Council, whose decision shall be final and shall not be questioned in any Court.

Penalties for proceeding to sea after seizure.

11. (1) Where a ship which has been seized or detained under section 7 or section 8 and has not been released by competent authority under this Act proceeds to sea, the master of the ship shall be punishable with fine which may extend to one thousand rupees, and the owner and any person who sends the ship to sea shall be likewise so punishable unless such owner or person proves that the offence was committed without his knowledge and consent.

(2) Where any ship so proceeding to sea takes to sea, when on board thereof in the execution of his duty any officer empowered by this Act to seize and detain the ship, the owner and master shall further each be liable, on the order of the Court trying an offence punishable under sub-section (1), to pay all the expenses of and incidental to such officer being taken to sea, and shall further be punishable with fine which may extend to one hundred rupees for every day until such officer returns

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returns or until such time as would enable him after leaving the ship to return to the port from which he was taken.

(*3*) Any expenses ordered to be paid under sub-section (*2*) may be recovered in the manner provided in the Code of Criminal Procedure, 1898, for the recovery of a fine. V of 1898.

Power to enter dock-yards, etc.

12. (*1*) Any person empowered by this Act to seize and detain any ship may, at any reasonable time by day or night, enter any dockyard, shipyard or other place and make inquiries respecting any ship which he has reason to believe is liable to forfeiture under this Act, and may search such ship with a view to ascertaining whether the provisions of this Act have been or are being duly observed in respect thereof, and every person in charge of or employed in such place shall on request be bound to give the person so empowered all reasonable facilities for such entry and search and for making such inquiries.

(*2*) The provisions of sections *101*, *102* and *103* of the Code of Criminal Procedure, 1898, shall apply in the case of all searches made under this section. V of 1898.

Courts by which and conditions subject to which offences may be tried.

13. No Court inferior to that of a Presidency Magistrate or Magistrate of the first class shall proceed to the trial of any offence punishable under this Act, and no Court shall proceed to the trial of any such offence except on complaint made by, or under authority from, the Local Government.

Indemnity.

14. No prosecution, suit or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

THE SCHEDULE.

(*See section 2.*)

ARTICLES OF TREATY FOR THE LIMITATION OF NAVAL ARMAMENT.

ARTICLE V.

No capital ship exceeding 35,000 tons (35,560 metric tons) standard displacement shall be acquired by, or constructed

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constructed by, for, or within the jurisdiction of, any of the Contracting Powers.

ARTICLE VI.

No capital ship of any of the Contracting Powers shall carry a gun with a calibre in excess of 16 inches (406 millimetres).

ARTICLE IX.

No aircraft carrier exceeding 27,000 tons (27,432 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers.

* * * *

ARTICLE X.

No aircraft carrier of any of the Contracting Powers shall carry a gun with a calibre in excess of 8 inches (203 millimetres). Without prejudice to the provisions of Article IX, if the armament carried includes guns exceeding 6 inches (152 millimetres) in calibre the total number of guns carried, except anti-aircraft guns and guns not exceeding 5 inches (127 millimetres), shall not exceed ten. If alternatively the armament contains no guns exceeding 6 inches (152 millimetres) in calibre, the number of guns is not limited. In either case the number of anti-aircraft guns and of guns not exceeding 5 inches (127 millimetres) is not limited.

ARTICLE XI.

No vessel of war exceeding 10,000 tons (10,160 metric tons) standard displacement, other than a capital ship or aircraft carrier, shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers. Vessels not specifically built as fighting ships nor taken in time of peace under Government control for fighting purposes, which are employed on fleet duties or as troop transports or in some other way for the purpose of assisting in the prosecution of hostilities otherwise than as fighting ships, shall not be within the limitations of this Article.

ARTICLE

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returns or until such time as would enable him after leaving the ship to return to the port from which he was taken.

(*3*) Any expenses ordered to be paid under sub-section (*2*) may be recovered in the manner provided in the Code of Criminal Procedure, 1898, for the recovery of a fine. V of 1898.

Power to enter dock-yards, etc.

12. (*1*) Any person empowered by this Act to seize and detain any ship may, at any reasonable time by day or night, enter any dockyard, shipyard or other place and make inquiries respecting any ship which he has reason to believe is liable to forfeiture under this Act, and may search such ship with a view to ascertaining whether the provisions of this Act have been or are being duly observed in respect thereof, and every person in charge of or employed in such place shall on request be bound to give the person so empowered all reasonable facilities for such entry and search and for making such inquiries.

(*2*) The provisions of sections 101, 102 and 103 of the Code of Criminal Procedure, 1898, shall apply in the case of all searches made under this section. V of 1898.

Courts by which and conditions subject to which offences may be tried.

13. No Court inferior to that of a Presidency Magistrate or Magistrate of the first class shall proceed to the trial of any offence punishable under this Act, and no Court shall proceed to the trial of any such offence except on complaint made by, or under authority from, the Local Government.

Indemnity.

14. No prosecution, suit or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

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ARTICLE XI.

No vessel of war exceeding 10,000 tons (10,160 metric tons) standard displacement, other than a capital ship or aircraft carrier, shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers. Vessels not specifically built as fighting ships nor taken in time of peace under Government control for fighting purposes, which are employed on fleet duties or as troop transports or in some other way for the purpose of assisting in the prosecution of hostilities otherwise than as fighting ships, shall not be within the limitations of this Article.

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ARTICLE XII.

No vessel of war of any of the Contracting Powers, hereafter laid down, other than a capital ship, shall carry a gun with a calibre in excess of 8 inches (203 millimetres).

ARTICLE XIV.

No preparations shall be made in merchant ships in time of peace for the installation of warlike armaments for the purpose of converting such ships into vessels of war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6-inch (152 millimetres) calibre.

ARTICLE XV.

No vessel of war constructed within the jurisdiction of any of the Contracting Powers for a non-Contracting Power shall exceed the limitations as to displacement and armament prescribed by the present Treaty for vessels of a similar type which may be constructed by or for any of the Contracting Powers, provided, however, that the displacement for aircraft carriers constructed for a non-Contracting Power shall in no case exceed 27,000 tons (27,432 metric tons) standard displacement.

ARTICLE XVI.

If the construction of any vessel of war for a non-Contracting Power is undertaken within the jurisdiction of any of the Contracting Powers, such Power shall promptly inform the other Contracting Powers of the date of the signing of the contract and the date on which the keel of the ship is laid; and shall also communicate to them the particulars relating to the ship prescribed in Chapter II, Part 3, section 1 (*b*), (4) and (5).

ARTICLE XVIII.

Each of the Contracting Powers undertakes not to dispose by gift, sale or any mode of transfer of any vessel of war in such a manner that such vessel may become a vessel of war in the navy of any foreign Power.

CHAPTER II

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CHAPTER II.—PART 3.—SECTION 1.

(*b*) Each of the Contracting Powers shall communicate promptly to each of the other Contracting Powers the following information:—

* * * *

(4) The standard displacement in tons and metric tons of each new ship to be laid down, and the principal dimensions, namely, length at waterline, extreme beam at or below waterline, mean draught at standard displacement.

(5) The date of completion of each new ship and its standard displacement in tons and metric tons, and the principal dimensions, namely, length at waterline, extreme beam at or below waterline, mean draught at standard displacement, at time of completion.

PART 4.—DEFINITIONS.

For the purposes of the present Treaty, the following expressions are to be understood in the sense defined in this Part.

Capital Ship.

A capital ship, in the case of ships hereafter built, is defined as a vessel of war, not an aircraft carrier, whose displacement exceeds 10,000 tons (10,160 metric tons) standard displacement, or which carries a gun with a calibre exceeding 8 inches (203 millimetres).

Aircraft Carrier.

An aircraft carrier is defined as a vessel of war with a displacement in excess of 10,000 tons (10,160 metric tons) standard displacement designed for the specific and exclusive purpose of carrying aircraft. It must be so constructed that aircraft can be launched therefrom and landed thereon, and not designed and constructed for carrying a more powerful armament than that allowed to it under Article IX or Article X, as the case may be.

Standard Displacement.

The standard displacement of a ship is the displacement of the ship complete, fully manned, engined, and equipped

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equipped ready for sea, including all armament and ammunition, equipment, outfit, provisions and fresh water for crew, miscellaneous stores and implements of every description that are intended to be carried in war, but without fuel or reserve feed water on board.

The word " ton " in the present Treaty, except in the expression " metric tons," shall be understood to mean the ton of 2,240 pounds (1,016 kilo).

Vessels now completed shall retain their present ratings of displacement tonnage in accordance with their national system of measurement. However, a Power expressing displacement in metric tons shall be considered for the application of the present Treaty as owning only the equivalent displacement in tons of 2,240 pounds.

A vessel completed hereafter shall be rated at its displacement tonnage when in the standard condition defined herein.

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CALCUTTA : PRINTED BY SUPDT. GOVT. PRINTING, INDIA, 8, HASTINGS STREET.

ACT No. VIII OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(*Received the assent of the Governor General on the 5th March, 1923.*)

An Act to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident.

WHEREAS it is expedient to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Workmen's Compensation Act, 1923.

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(*3*) It shall come into force on the first day of July, 1924.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "adult" and "minor" mean respectively a person who is not and a person who is under the age of fifteen years;

(*b*) "Commissioner" means a Commissioner for Workmen's Compensation appointed under section 20;

(*c*) "compensation" means compensation as provided for by this Act;

(*d*) "dependant" means any of the following relatives of a deceased workman, namely,

[*Price seven annas and six pies.*]

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a wife, husband, parent, minor son, unmarried daughter, married daughter who is a minor, minor brother or unmarried sister, and includes the minor children of a deceased son of the workman and, where no parent of the workman is alive, a paternal grand-parent;

(*e*) " employer " includes any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and, when the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, means such other person while the workman is working for him;

(*f*) " managing agent " means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business, but does not include an individual manager subordinate to an employer;

(*g*) " partial disablement " means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time : provided that every injury specified in Schedule I shall be deemed to result in permanent partial disablement;

(*h*) " prescribed " means prescribed by rules made under this Act;

(*i*) " qualified

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(*i*) "qualified medical practitioner" means any person registered under the Medical Act, 1858, or any Act amending the same, or under any Act of any Legislature in British India providing for the maintenance of a register of medical practitioners, or, any area where no such last-mentioned Act is in force, any person declared by the Local Government, by notification in the local official Gazette, to be a qualified medical practitioner for the purposes of this Act;

21 & 22 Vict. c. 90.

(*j*) "registered ship" means any sea-going ship registered under the Bombay Coasting Vessels Act, 1838, or the Indian Registration of Ships Act, 1841, or the Indian Registration of Ships Act (1841) Amendment Act, 1850, or any home-trade ship so registered of a registered tonnage of not less than three hundred tons, or any inland steam-vessel as defined in section 2 of the Inland Steam Vessels Act, 1917, of a registered tonnage of not less than one hundred tons;

XIX of 1838.

X of 1841.

XI of 1850.]

I of 1917.

(*k*) "seaman" means any person forming part of the crew of any registered ship, but does not include the master of any such ship;

(*l*) "total disablement" means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement: provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule I where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries,

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a wife, husband, parent, minor son, unmarried daughter, married daughter who is a minor, minor brother or unmarried sister, and includes the minor children of a deceased son of the workman and, where no parent of the workman is alive, a paternal grand-parent;

(*e*) " employer " includes any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and, when the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, means such other person while the workman is working for him;

(*f*) " managing agent " means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business, but does not include an individual manager subordinate to an employer;

(*g*) " partial disablement " means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time : provided that every injury specified in Schedule I shall be deemed to result in permanent partial disablement;

(*h*) " prescribed " means prescribed by rules made under this Act;

(*i*) " qualified

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21 & 22 Vict. c. 90.

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I of 1917.

(*k*) "seaman" means any person forming part of the crew of any registered ship, but does not include the master of any such ship;

(*l*) "total disablement" means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement: provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule I where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries,

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injuries, amounts to one hundred per cent.;

(*m*) "wages" includes any privilege or benefit which is capable of being estimated in money, other than a travelling allowance or the value of any travelling concession or a contribution paid by the employer of a workman towards any pension or provident fund or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment;

(*n*) "workman" means any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business) who is—

(*i*) a railway servant as defined in section 3 of the Indian Railways Act, 1890, not permanently employed in any administrative, district or sub-divisional office of a railway and not employed in any such capacity as is specified in Schedule II, or IX of 1890.

(*ii*) employed, either by way of manual labour or on monthly wages not exceeding three hundred rupees, in any such capacity as is specified in Schedule II,

whether the contract of employment was made before or after the passing of this Act and whether such contract is expressed or implied, oral or in writing; but does not include any person working in the capacity of a member of His Majesty's naval, military or air forces or of the Royal Indian Marine Service; and any reference to a workman who has been injured shall, where the workman is dead, include a reference to his dependants or any of them.

(*2*) The

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(*2*) The exercise and performance of the powers and duties of a local authority or of any department of the Government shall, for the purposes of this Act, unless a contrary intention appears, be deemed to be the trade or business of such authority or department.

(*3*) The Governor General in Council after giving, by notification in the Gazette of India, not less than three months' notice of his intention so to do, may, by a like notification, direct that the provisions of this Act shall apply in the case of any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business) who is employed by way of manual labour or on monthly wages not exceeding three hundred rupees in any occupation declared by such notification to be a hazardous occupation, or that the said provisions shall apply in the case of any specified class of such persons or in the case of any such person or class to whom any specified injury is caused; and any person in whose case the said provisions are so made applicable shall be deemed to be a workman within the meaning of this Act.

CHAPTER II.

WORKMEN'S COMPENSATION.

Employer's liability for compensation.

3. (*1*) If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Chapter:

Provided that the employer shall not be so liable—

(*a*) in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding ten days;

(*b*) in

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(*b*) in respect of any injury to a workman resulting from an accident which is directly attributable to—

(*i*) the workman having been at the time thereof under the influence of drink or drugs, or

(*ii*) the wilful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workmen, or

(*iii*) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen; or

(*c*) except in the case of death or permanent total disablement, in respect of any workman employed in the construction, repair or demolition of a building or bridge.

(*2*) If a workman employed in any employment involving the handling of wool, hair, bristles, hides or skins contracts the disease of anthrax, or if a workman, whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months in any employment specified in Schedule III, contracts any disease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section and, unless the employer proves the contrary, the accident shall be deemed to have arisen out of and in the course of the employment.

Explanation.—For the purposes of this sub-section a period of service shall be deemed to be continuous which has not included a period of service under any other employer.

(*3*) The

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(*3*) The Governor General in Council, after giving, by notification in the Gazette of India, not less than three months' notice of his intention so to do, may, by a like notification, add any description of employment to the employments specified in Schedule III, and shall specify in the case of the employments so added the diseases which shall be deemed for the purposes of this section to be occupational diseases peculiar to those employments respectively, and the provisions of sub-section (*2*) shall thereupon apply as if such diseases had been declared by this Act to be occupational diseases peculiar to those employments.

(*4*) Save as provided by sub-sections (*2*) and (*3*), no compensation shall be payable to a workman in respect of any disease unless the disease is solely and directly attributable to a specific injury by accident arising out of and in the course of his employment.

(*5*) Nothing herein contained shall be deemed to confer any right to compensation on a workman in respect of any injury if he has instituted in a Civil Court a suit for damages in respect of the injury against the employer or any other person; and no suit for damages shall be maintainable by a workman in any Court of law in respect of any injury—

(*a*) if he has instituted a claim to compensation in respect of the injury before a Commissioner; or

(*b*) if an agreement has been come to between the workman and his employer providing for the payment of compensation in respect of the injury in accordance with the provisions of this Act.

4. (*1*) Subject to the provisions of this Act, the amount of compensation shall be as follows, namely :— **Amount of compensation.**

A. Where death results from the injury—

(*i*) in the case of an adult, a sum equal to thirty months' wages or two thousand five hundred rupees, whichever is less, and

(*ii*) in

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(*ii*) in the case of a minor, two hundred rupees;

B. Where permanent total disablement results from the injury—

(*i*) in the case of an adult, a sum equal to forty-two months' wages or three thousand five hundred rupees whichever is less, and

(*ii*) in the case of a minor, a sum equal to eighty-four months' wages or three thousand five hundred rupees, whichever is less;

C. Where permanent partial disablement results from the injury—

(*i*) in the case of an injury specified in Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and

(*ii*) in the case of an injury not specified in Schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury;

Explanation.—Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries.

D. Where temporary disablement, whether total or partial, results from the injury, a half-monthly payment payable on the sixteenth day after the expiry of a waiting

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waiting period of ten days from the date of the disablement, and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter,—

(*i*) in the case of an adult, of fifteen rupees or a sum equal to one-fourth of his monthly wages, whichever is less, and

(*ii*) in the case of a minor, of a sum equal to one-third or, after he has attained the age of fifteen years, to one-half of his monthly wages, but not exceeding in any case fifteen rupees:

Provided that there shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be, and no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning after the accident.

(*2*) On the ceasing of the disablement before the date on which any half-monthly payment falls due, there shall be payable in respect of that half-month a sum proportionate to the duration of the disablement in that half-month.

Method of calculating wages.

5. For the purposes of section 4 the monthly wages of a workman shall be calculated as follows, namely:—

(*a*) where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly

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monthly wages of the workman shall be one-twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period;

(*b*) in other cases, the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period:

Provided that the sum arrived at by a calculation under clause (*a*) or clause (*b*) shall be increased or decreased, as the case may be, to the amount specified in the second column of Schedule IV against the head specified in the first column thereof within the limits of which such sum is included.

Explanation.—A period of service shall, for the purposes of this section, be deemed to be continuous which has not been interrupted by a period of absence from work exceeding fourteen days.

Review.

6. (*1*) Any half-monthly payment payable under this Act, either under an agreement between the parties or under the order of a Commissioner, may be reviewed by the Commissioner on the application either of the employer or of the workman accompanied by the certificate of a qualified medical practitioner that there has been a change in the condition of the workman or, subject to rules made under this Act, on application made without such certificate.

(*2*) Any half-monthly payment may, on review under this section, subject to the provisions of this Act, be continued, increased, decreased or ended, or, if the accident is found to have resulted in permanent disablement, be converted to the lump sum to which the workman is entitled less any amount which he has already received by way of half-monthly payments.

7. Any

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Commutation of half-monthly payments.

7. Any right to receive half-monthly payments may, by agreement between the parties or, if the parties cannot agree and the payments have been continued for not less than six months, on the application of either party to the Commissioner, be redeemed by the payment of a lump sum of such amount as may be agreed to by the parties or determined by the Commissioner, as the case may be.

Distribution of compensation.

8. (*1*) Compensation payable in respect of a workman whose injury has resulted in death shall be deposited with the Commissioner, and any sum so deposited shall be apportioned among the dependants of the deceased workman or any of them in such proportion as the Commissioner thinks fit, or may, in the discretion of the Commissioner, be allotted to any one such dependant, and the sum so allotted to any dependant shall be paid to him or, if he is a person under any legal disability, be invested, applied or otherwise dealt with for his benefit during such disability in such manner as the Commissioner thinks fit.

(*2*) Any other compensation payable under this Act may be deposited with the Commissioner and, when so deposited, shall be paid by the Commissioner to the person entitled thereto.

(*3*) The receipt of the Commissioner shall be a sufficient discharge in respect of any amount deposited with him under sub-section (*1*) or sub-section (*2*).

(*4*) On the deposit of any money under sub-section (*1*), the Commissioner may deduct therefrom the actual cost of the workman's funeral expenses, to an amount not exceeding fifty rupees, and pay the same to the person by whom such expenses were incurred, and shall, if he thinks necessary, cause notice to be published or to be served on each dependant in such manner as he thinks fit, calling upon the dependants to appear before him on such date as he may fix for determining the distribution of the compensation. If the Commissioner is satisfied, after any inquiry which

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which he may deem necessary, that no dependant exists, he shall repay the balance of the money to the employer by whom it was paid. The Commissioner shall, on application by the employer, furnish a statement showing in detail all disbursements made.

(*5*) Where a half-monthly payment is payable under this Act to a person under any legal disability, the Commissioner may, of his own motion or on application made to him in this behalf, order that the half-monthly payment be paid during the disability to any dependant of the workman or to any other person whom he thinks best fitted to provide for the welfare of the workman.

(*6*) Where, on application made to him in this behalf or otherwise, the Commissioner is satisfied that, on account of neglect of children on the part of a parent or on account of the variation of the circumstances of any dependant or for any other sufficient cause, an order of the Commissioner as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependant is to be invested, applied or otherwise dealt with, ought to be varied, the Commissioner may make such orders for the variation of the former order as he thinks just in the circumstances of the case:

Provided that no such order prejudicial to any person shall be made unless such person has been given an opportunity of showing cause why the order should not be made, or shall be made in any case in which it would involve the repayment by a dependant of any sum already paid to him.

Compensation not to be assigned, attached or charged.

9. Save as provided by this Act, no lump sum or half-monthly payment payable under this Act shall in any way be capable of being assigned or charged or be liable to attachment or pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.

10. (*1*) No

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Notice and claim.

10. (*1*) No proceedings for the recovery of compensation shall be maintainable before a Commissioner unless notice of the accident has been given, in the manner hereinafter provided, as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect to such accident has been instituted within six months of the occurrence of the accident or, in case of death, within six months from the date of death:

Provided that, where the accident is the contracting of a disease in respect of which the provisions of sub-section (*2*) of section 3 are applicable, the accident shall be deemed to have occurred on the first of the days during which the workman was continuously absent from work in consequence of the disablement caused by the disease:

Provided, further, that the Commissioner may admit and decide any claim to compensation in any case notwithstanding that the notice has not been given, or the claim has not been instituted, in due time as provided in this sub-section, if he is satisfied that the failure so to give the notice or institute the claim, as the case may be, was due to sufficient cause.

(*2*) Every such notice shall give the name and address of the person injured and shall state in ordinary language the cause of the injury and the date on which the accident happened, and shall be served on the employer or upon any one or several employers, or upon any person directly responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed.

(*3*) The notice may be served by delivering the same at, or sending it by registered post addressed to, the residence or any office or place of business of the person on whom it is to be served.

11. (*1*) Where

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Medical examination.

11. (*1*) Where a workman has given notice of an accident, he shall, if the employer, before the expiry of three days from the time at which service of the notice has been effected, offers to have him examined free of charge by a qualified medical practitioner, submit himself for such examination, and any workman who is in receipt of a half-monthly payment under this Act shall, if so required, submit himself for such examination from time to time:

Provided that a workman shall not be required to submit himself for examination by a medical practitioner otherwise than in accordance with rules made under this Act, or at more frequent intervals than may be prescribed.

(*2*) If a workman, on being required to do so by the employer under sub-section (*1*) or by the Commissioner at any time, refuses to submit himself for examination by a qualified medical practitioner or in any way obstructs the same, his right to compensation shall be suspended during the continuance of such refusal or obstruction unless, in the case of refusal, he was prevented by any sufficient cause from so submitting himself.

(*3*) If a workman, before the expiry of the period within which he is liable under sub-section (*1*) to be required to submit himself for medical examination, voluntarily leaves without having been so examined the vicinity of the place in which he was employed, his right to compensation shall be suspended until he returns and offers himself for such examination.

(*4*) Where a workman, whose right to compensation has been suspended under sub-section (*2*) or sub-section (*3*), dies without having submitted himself for medical examination as required by either of those sub-sections, the Commissioner may, if he thinks fit, direct the payment of compensation to the dependants of the deceased workman.

(*5*) Where under sub-section (*2*) or sub-section (*3*) a right to compensation is suspended, no compensation

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compensation shall be payable in respect of the period of suspension, and, if the period of suspension commences before the expiry of the waiting period referred to in clause D of sub-section (*1*) of section 4, the waiting period shall be increased by the period during which the suspension continues.

(*6*) Where an injured workman has refused to be attended by a qualified medical practitioner whose services have been offered to him by the employer free of charge or having accepted such offer has deliberately disregarded the instructions of such medical practitioner, then, if it is thereafter proved that the workman has not been regularly attended by a qualified medical practitioner and that such refusal, failure or disregard was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had been regularly attended by a qualified medical practitioner, and compensation, if any, shall be payable accordingly.

Contracting.

12. (*1*) Where any person (hereinafter in this section referred to as the principal) in the course of or for the purposes of his trade or business contracts with any other person (hereinafter in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the trade or business of the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from the principal, this Act shall apply as if references to the principal were substituted for references to the employer except that the amount of compensation shall be calculated with reference to the wages of the workman under the employer by whom he is immediately employed.

(*2*) Where

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(*2*) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by the contractor, and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the Commissioner.

(*3*) Nothing in this section shall be construed as preventing a workman from recovering compensation from the contractor instead of the principal.

(*4*) This section shall not apply in any case where the accident occurred elsewhere than on, in or about the premises on which the principal has undertaken or usually undertakes, as the case may be, to execute the work or which are otherwise under his control or management.

Remedies of employer against stranger.

13. Where a workman has recovered compensation in respect of any injury caused under circumstances creating a legal liability of some person other than the person by whom the compensation was paid to pay damages in respect thereof, the person by whom the compensation was paid and any person who has been called on to pay an indemnity under section 12 shall be entitled to be indemnified by the person so liable to pay damages as aforesaid.

Insolvency of employer.

14. (*1*) Where any employer has entered into a contract with any insurers in respect of any liability under this Act to any workman, then in the event of the employer becoming insolvent or making a composition or scheme of arrangement with his creditors or, if the employer is a company, in the event of the company having commenced to be wound up, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in any law for the time being in force relating to insolvency or the winding up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so, however, that the insurers shall not be

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be under any greater liability to the workman than they would have been under to the employer.

(*2*) If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the insolvency proceedings or liquidation.

(*3*) Where in any case such as is referred to in sub-section (*1*) the contract of the employer with the insurers is void or voidable by reason of non-compliance on the part of the employer with any terms or conditions of the contract (other than a stipulation for the payment of premia), the provisions of that sub-section shall apply as if the contract were not void or voidable, and the insurers shall be entitled to prove in the insolvency proceedings or liquidation for the amount paid to the workman:

Provided that the provisions of this sub-section shall not apply in any case in which the workman fails to give notice to the insurers of the happening of the accident and of any resulting disablement as soon as practicable after he becomes aware of the institution of the insolvency or liquidation proceedings.

(*4*) There shall be deemed to be included among the debts which under section 49 of the Presidency-towns Insolvency Act, 1909, or under section 61 of the Provincial Insolvency Act, 1920, or under section 230 of the Indian Companies Act, 1913, are in the distribution of the property of an insolvent or in the distribution of the assets of a company being wound up to be paid in priority to all other debts, the amount due in respect of any compensation the liability wherefor accrued before the date of the order of adjudication of the insolvent or the date of the commencement of the winding up, as the case may be, and those Acts shall have effect accordingly.

III of 1909.
V of 1920.
VII of 1913.

(*5*) Where the compensation is a half-monthly payment, the amount due in respect thereof shall, for the purposes of this section, be taken to be the amount

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amount of the lump sum for which the half-monthly payment could, if redeemable, be redeemed if application were made for that purpose under section 7, and a certificate of the Commissioner as to the amount of such sum shall be conclusive proof thereof.

(*6*) The provisions of sub-section (*4*) shall apply in the case of any amount for which an insurer is entitled to prove under sub-section (*3*), but otherwise those provisions shall not apply where the insolvent or the company being wound up has entered into such a contract with insurers as is referred to in sub-section (*1*).

(*7*) This section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

Special provisions relating to masters and seamen.

15. This Act shall apply in the case of workmen who are masters of registered ships or seamen subject to the following modifications, namely :—

(*1*) The notice of the accident and the claim for compensation may, except where the person injured is the master of the ship, be served on the master of the ship as if he were the employer, but where the accident happened and the disablement commenced on board the ship, it shall not be necessary for any seaman to give any notice of the accident.

(*2*) In the case of the death of a master or seaman, the claim for compensation shall be made within six months after the news of the death has been received by the claimant or, where the ship has been or is deemed to have been lost with all hands, within eighteen months of the date on which the ship was, or is deemed to have been, so lost.

(*3*) Where an injured master or seaman is discharged or left behind in any part of His Majesty's dominions or in a foreign country, any depositions taken by any Judge or Magistrate in that part or by any Consular Officer in the foreign country and transmitted

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transmitted by the person by whom they are taken to the Governor General in Council or any Local Government shall, in any proceedings for enforcing the claim, be admissible in evidence—

(*a*) if the deposition is authenticated by the signature of the Judge, Magistrate or Consular Officer before whom it is made;

(*b*) if the defendant or the person accused, as the case may be, had an opportunity by himself or his agent to cross-examine the witness; and

(*c*) if the deposition was made in the course of a criminal proceeding, on proof that the deposition was made in the presence of the person accused;

and it shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition and a certificate by such person that the defendant or the person accused had an opportunity of cross-examining the witness and that the deposition if made in a criminal proceeding was made in the presence of the person accused shall, unless the contrary is proved, be sufficient evidence that he had that opportunity and that it was so made.

(*4*) In the case of the death of a master or seaman leaving no dependants, the Commissioner shall, if the owner of the ship is under any law in force for the time being in British India relating to merchant shipping liable to pay the expenses of burial of the master or seaman, return to the employer the full amount of the compensation deposited under sub-section (*1*) of section 8 without making the deduction referred to in sub-section (*4*) of that section.

(*5*) No monthly payment shall be payable in respect of the period during which the owner of the ship is, under any law in force for the time being in British India relating to merchant shipping,

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shipping, liable to defray the expenses of maintenance of the injured master or seaman.

Returns as to compensation.

16. The Governor General in Council may, by notification in the Gazette of India, direct that every person employing workmen, or that any specified class of such persons, shall send at such time and in such form and to such authority, as may be specified in the notification, a correct return specifying the number of injuries in respect of which compensation has been paid by the employer during the previous year and the amount of such compensation, together with such other particulars as to the compensation as the Governor General in Council may direct.

Contracting out.

17. Any contract or agreement whether made before or after the commencement of this Act, whereby a workman relinquishes any right of compensation from the employer for personal injury arising out of or in the course of the employment, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Act.

Proof of age.

18. Where any question arises as to the age of a person injured by accident arising out of and in the course of his employment in a factory, a certificate granted in respect of such person under section 7 or section 8 of the Indian Factories Act, 1911, before the occurrence of the injury shall be conclusive proof of the age of such person. XII of 1911

CHAPTER III.

COMMISSIONERS.

Reference to Commissioners.

19. (*1*) If any question arises in any proceedings under this Act as to the liability of any person to pay compensation (including any question as to whether a person injured is or is not a workman) or as to the amount or duration of compensation (including any question as to the nature or extent of

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of disablement), the question shall, in default of agreement, be settled by the Commissioner.

(*2*) No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by a Commissioner or to enforce any liability incurred under this Act.

Appointment of Commissioners.

20. (*1*) The Local Government may, by notification in the local official Gazette, appoint any person to be a Commissioner for Workmen's Compensation for such local area as may be specified in the notification.

(*2*) Any Commissioner may, for the purpose of deciding any matter referred to him for decision under this Act, choose one or more persons possessing special knowledge of any matter relevant to the matter under inquiry to assist him in holding the inquiry.

(*3*) Every Commissioner shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV of 1860.

Venue of proceedings and transfer.

21. (*1*) Where any matter is under this Act to be done by or before a Commissioner, the same shall, subject to the provisions of this Act and to any rules made hereunder, be done by or before the Commissioner for the local area in which the accident took place which resulted in the injury:

Provided that, where the workman is the master of a registered ship or a seaman, any such matter may be done by or before the Commissioner for the local area in which the owner or agent of the ship resides or carries on business.

(*2*) If a Commissioner is satisfied by any party to any proceedings under this Act pending before him that such matter can be more conveniently dealt with by any other Commissioner, whether in the same province or not, he may, subject to rules made under this Act, order such matter to be transferred to such other Commissioner either for report or for disposal, and, if he does so, shall forthwith transmit to such other Commissioner

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Commissioner all documents relevant for the decision of such matter and, where the matter is transferred for disposal, shall also transmit in the prescribed manner any money remaining in his hands or invested by him for the benefit of any party to the proceedings:

Provided that no matter other than a matter relating to the actual payment to a workman or the distribution among dependants of a lump sum shall be transferred for disposal under this sub-section to a Commissioner in the same province save with the previous sanction of the Local Government or to a Commissioner in another province save with the previous sanction of the Governor General in Council, unless all the parties to the proceedings agree to the transfer.

(*3*) The Commissioner to whom any matter is so transferred shall, subject to rules made under this Act, inquire thereinto and, if the matter was transferred for report, return his report thereon or, if the matter was transferred for disposal, continue the proceedings as if they had originally commenced before him.

(*4*) On receipt of a report from a Commissioner to whom any matter has been transferred for report under sub-section (*2*), the Commissioner by whom it was referred shall decide the matter referred in conformity with such report.

Form of application.

22. (*1*) No application for the settlement of any matter by a Commissioner shall be made unless and until some question has arisen between the parties in connection therewith which they have been unable to settle by agreement.

(*2*) Where any such question has arisen, the application may be made in such form and shall be accompanied by such fee, if any, as may be prescribed, and shall contain, in addition to any particulars which may be prescribed, the following particulars, namely:—

(*a*) a concise statement of the circumstances in which the application is made and the relief

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relief or order which the applicant claims;

(*b*) in the case of a claim for compensation against an employer, the date of service of notice of the accident on the employer and, if such notice has not been served or has not been served in due time, the reason for such omission;

(*c*) the names and addresses of the parties; and

(*d*) a concise statement of the matters on which agreement has and on those on which agreement has not been come to.

(*3*) If the applicant is illiterate or for any other reason is unable to furnish the required information in writing, the application shall, if the applicant so desires, be prepared under the direction of the Commissioner.

Powers and procedure of Commissioners.

23. The Commissioner shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath (which such Commissioner is hereby empowered to impose) and of enforcing the attendance of witnesses and compelling the production of documents and material objects.

V of 1908.

Appearance of parties.

24. Any appearance, application or act required to be made or done by any person before or to a Commissioner (other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of such person by a legal practitioner or other person authorised in writing by such person.

Method of recording evidence.

25. The Commissioner shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceeds, and such memorandum shall be written and signed by the Commissioner with his own hand and shall form part of the record:

Provided that, if the Commissioner is prevented from making such memorandum, he shall record the reason

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reason of his inability to do so and shall cause such memorandum to be made in writing from his dictation and shall sign the same, and such memorandum shall form part of the record:

Provided, further, that the evidence of any medical witness shall be taken down as nearly as may be word for word.

Costs.

26. All costs incidental to any proceedings before a Commissioner shall, subject to rules made under this Act, be in the discretion of the Commissioner.

Power to submit cases.

27. A Commissioner may, if he thinks fit, submit any question of law for the decision of the High Court and, if he does so, shall decide the question in conformity with such decision.

Registration of agreements.

28. (*1*) Where the amount of any lump sum payable as compensation has been settled by agreement, whether by way of redemption of a half-monthly payment or otherwise, or where any compensation has been so settled as being payable to a person under a legal disability or to a dependant, a memorandum thereof shall be sent by the employer to the Commissioner, who shall, on being satisfied as to its genuineness, record the memorandum in a register in the prescribed manner:

Provided that—

(*a*) no such memorandum shall be recorded before seven days after communication by the Commissioner of notice to the parties concerned;

(*b*) where a workman seeks to record a memorandum of agreement between his employer and himself for the payment of compensation and the employer proves that the workman has, in fact, returned to work and is earning the same wages as he did before the accident and objects to the recording of such memorandum, the memorandum shall only be recorded, if at

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at all, on such terms as the Commissioner thinks just in the circumstances;

(*c*) the Commissioner may at any time rectify the register;

(*d*) where it appears to the Commissioner that an agreement as to the payment of a lump sum whether by way of redemption of a half-monthly payment or otherwise, or an agreement as to the amount of compensation payable to a person under any legal disability or to any dependant, ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence or other improper means, he may refuse to record the memorandum of the agreement or may make such order, including an order as to any sum already paid under the agreement, as he thinks just in the circumstances.

(*2*) An agreement for the payment of compensation which has been registered under sub-section (*1*) shall be enforceable under this Act notwithstanding anything contained in the Indian IX of 1872. Contract Act, 1872, or in any other law for the time being in force.

Effect of failure to register agreement.

29. Where a memorandum of any agreement, the registration of which is required by section 28, is not sent to the Commissioner as required by that section, the employer shall be liable to pay the full amount of compensation which he is liable to pay under the provisions of this Act, and notwithstanding anything contained in the proviso to sub-section (*1*) of section 4, shall not, unless the Commissioner otherwise directs, be entitled to deduct more than half of any amount paid to the workman by way of compensation whether under the agreement or otherwise.

30. (*1*) An

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Appeals.

30. (*1*) An appeal shall lie to the High Court from the following orders of a Commissioner, namely:—

(*a*) an order awarding as compensation a lump sum whether by way of redemption of a half-monthly payment or otherwise or disallowing a claim in full or in part for a lump sum;

(*b*) an order refusing to allow redemption of a half-monthly payment;

(*c*) an order providing for the distribution of compensation among the dependants of a deceased workman, or disallowing any claim of a person alleging himself to be such dependant;

(*d*) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of sub-section (*2*) of section 12; or

(*e*) an order refusing to register a memorandum of agreement or registering the same or providing for the registration of the same subject to conditions:

Provided that no appeal shall lie against any order unless a substantial question of law is involved in the appeal and, in the case of an order other than an order such as is referred to in clause (*b*), unless the amount in dispute in the appeal is not less than three hundred rupees:

Provided, further, that no appeal shall lie in any case in which the parties have agreed to abide by the decision of the Commissioner, or in which the order of the Commissioner gives effect to an agreement come to by the parties.

(*2*) The period of limitation for an appeal under this section shall be sixty days.

(*3*) The provisions of section 5 of the Indian Limitation Act, 1908, shall be applicable to appeals under this section. IX of 1908

31. The

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31. The Commissioner may recover as an arrear of land-revenue any amount payable by any person under this Act, whether under an agreement for the payment of compensation or otherwise, and the Commissioner shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890. Recovery.

I of 1890.

CHAPTER IV.

RULES.

32. (*1*) The Governor General in Council may make rules to carry out the purposes of this Act. Power of the Governor General in Council to make rules.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) for prescribing the intervals at which and the conditions subject to which an application for review may be made under section 6 when not accompanied by a medical certificate;

(*b*) for prescribing the intervals at which and the conditions subject to which a workman may be required to submit himself for medical examination under sub-section (*1*) of section 11;

(*c*) for prescribing the procedure to be followed by Commissioners in the disposal of cases under this Act and by the parties in such cases;

(*d*) for regulating the transfer of matters and cases from one Commissioner to another and the transfer of money in such cases;

(*e*) for prescribing the manner in which money in the hands of a Commissioner may be invested for the benefit of dependants of a deceased workman and for the transfer of money so invested from one Commissioner to another;

(*f*) for

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(*f*) for the representation in proceedings before Commissioners of parties who are minors or are unable to make an appearance;

(*g*) for prescribing the form and manner in which memoranda of agreements shall be presented and registered;

(*h*) for the withholding by Commissioners, whether in whole or in part, of half-monthly payments pending decision on applications for review of the same; and

(*i*) for any other matter which is not, in the opinion of the Governor General in Council, a matter of merely local or provincial importance.

Power of Local Government to make rules.

33. The Local Government may, subject to the control of the Governor General in Council, make rules to provide for all or any of the following matters, namely:—

(*a*) for regulating the scales of costs which may be allowed in proceedings under this Act;

(*b*) for prescribing and determining the amount of the fees payable in respect of any proceedings before a Commissioner under this Act;

(*c*) for the maintenance by Commissioners of registers and records of proceedings before them; and

(*d*) generally for carrying out the provisions of this Act in respect of any matter which is, in the opinion of the Local Government, a matter of merely local importance in the province.

Publication of rules.

34. (*1*) The power to make rules conferred by sections 32 and 33 shall be subject to the condition of the rules being made after previous publication.

(*2*) The date to be specified in accordance with clause (*3*) of section 23 of the General Clauses Act, 1897,

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X of 1897.

1897, as that after which a draft of rules proposed to be made under section 32 or section 33 will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

(*3*) Rules so made shall be published in the Gazette of India or the local official Gazette, as the case may be, and on such publication, shall have effect as if enacted in this Act.

SCHEDULE I.

[*See sections 2 (1) and 4.*]

List of injuries deemed to result in permanent partial disablement.

Injury.	Percentage of loss of earning capacity.
Loss of right arm above or at the elbow	70
Loss of left arm above or at the elbow	60
Loss of right arm below the elbow	60
Loss of leg at or above the knee	60
Loss of left arm below the elbow	50
Loss of leg below the knee	50
Permanent total loss of hearing	50
Loss of one eye	30
Loss of thumb	25
Loss of all toes of one foot	20
Loss of one phalanx of thumb	10
Loss of index finger	10
Loss of great toe	10
Loss of any finger other than index finger	5

NOTE.—Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.

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SCHEDULE II.

[*See section 2 (1) (n).*]

List of persons who, subject to the provisions of section 2 (1) (n), are included in the definition of workmen.

The following persons are workmen within the meaning of section 2 (*1*) (*n*) and subject to the provisions of that section, that is to say, any person who is—

(*i*) employed in connection with the service of a tramway as defined in section 3 of the Indian Tramways Act, 1886; or XI of 1886.

(*ii*) employed within the meaning of clause (*2*) of section 2 of the Indian Factories Act, 1911, in any place which is a factory within the meaning of sub-clause (*a*) of clause (*3*) of that section; or XII of 1911.

(*iii*) employed within the meaning of clause (*d*) of section 3 of the Indian Mines Act, 1923, in any mine which is subject to the operation of that Act; or IV of 1923.

(*iv*) employed as the master of a registered ship or as a seaman; or

(*v*) employed for the purpose of loading, unloading or coaling any ship at any pier, jetty, landing place, wharf, quay, dock, warehouse or shed, on, in or at which steam, water or other mechanical power or electrical power is used; or

(*vi*) employed in the construction, repair or demolition of—

(*a*) a building which is designed to be, is, or has been more than one storey in height above ground level, or

(*b*) a building which is used, has been used, or is designed to be used, for industrial or commercial purposes and is, has been or is designed to be, not less than twenty feet in height measured from ground level to apex of the roof, or

(*c*) a bridge which is, has been or is designed to be more than fifty feet in length; or

(*vii*) employed in setting up, repairing, maintaining, or taking down any telegraph or telephone line or post or any overhead electric cable; or

(*viii*) employed in the construction, inspection or upkeep of any underground sewer; or

(*ix*) employed in the service of any fire brigade.

SCHEDULE III.

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SCHEDULE III.

(See section 3.)

List of occupational diseases.

Occupational disease.	Employment.
Lead poisoning or its sequelae . .	Any process involving the use of lead or its preparations or compounds.
Phosphorus poisoning or its sequelae	Any process involving the use of phosphorus or its preparations or compounds.

SCHEDULE IV.

(See section 5.)

Table of assumed wages.

Limits.								Assumed Wages.		
Where the sum arrived at by a calculation under clause (*a*) or clause (*b*) of section 5 is—										
	Rs.	A.	P.		Rs.	A.	P.	Rs.	A.	P.
less than . .	9	0	0		...			8	0	0
not less than . .	9	0	0	but less than	11	0	0	10	0	0
,, . .	11	0	0	ditto	13	0	0	12	0	0
,, . .	13	0	0	ditto	17	8	0	15	4	0
,, . .	17	8	0	ditto	22	8	0	20	0	0
,, . .	22	8	0	ditto	27	8	0	25	0	0
,, . .	27	8	0	ditto	32	8	0	30	0	0
,, . .	32	8	0	ditto	37	8	0	35	0	0
,, . .	37	8	0	ditto	42	8	0	40	0	0
,, . .	42	8	0	ditto	50	0	0	46	4	0
,, . .	50	0	0	ditto	60	0	0	55	0	0
,, . .	60	0	0	ditto	70	0	0	65	0	0
,, . .	70	0	0	ditto	80	0	0	75	0	0
,, . .	80	0	0	...	...			83	5	4

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SUPERINTENDENT GOVERNMENT PRINTING, INDIA
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NATIONAL ARCHIVES OF INDIA

ACT No. IX OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 5th March, 1923.)

An Act further to amend the Indian Factories Act, 1911.

XII of 1911. WHEREAS it is expedient further to amend the Indian Factories Act, 1911; It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Indian Factories (Amendment) Act, 1923.

Addition of new sub-section to section 22, Act XII of 1911. **2.** To section 22 of the Indian Factories Act, XII of 1911. 1911 (hereinafter referred to as the said Act), the following sub-section shall be added, namely:—

"(*2*) where, in accordance with the provisions of sub-section (*1*), any person is employed on a Sunday in consequence of his having had a holiday on one of the three days preceding that Sunday, that Sunday shall, for the purpose of calculating the weekly hours of work of such person, be deemed to be included in the preceding week."

Amendment of section 37, Act XII of 1911. **3.** In section 37 of the said Act, for clause (*j*) of sub-section (*2*) the following clause shall be substituted, namely:—

"(*j*) the parts of the machinery and electrical fittings to be kept fenced in accordance with section 18, sub-section (*1*), clause (*c*), and the provisions to be made for the protection from danger of persons employed in attending to the machinery, electrical fittings or boilers."

Amendment of section 41, Act XII of 1911. **4.** In clause (*g*) of section 41 of the said Act, for the figures and letter "19B" the figures and letter "19A" shall be substituted.

Amendment of section 50, Act XII of 1911. **5.** Sub-section (*2*) of section 50 of the said Act shall be omitted.

[*Price one anna.*]

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ACT No. X OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(*Received the assent of the Governor General on the 5th March, 1923.*)

An Act to consolidate the law relating to the Government Paper Currency.

WHEREAS it is expedient to consolidate the law relating to the Government Paper Currency; It is hereby enacted as follows :—

Preliminary.

1. (*1*) This Act may be called the Indian Paper Currency Act, 1923. **Short title and extent.**

(*2*) It extends to the whole of British India, inclusive of British Baluchistan and the Santhal Parganas.

2. In this Act, "universal currency note" means— **Definition.**

(*a*) a note of the denominational value of one rupee, two and a half rupees, five rupees, ten rupees, fifty rupees, or one hundred rupees, or

(*b*) a note of any other denominational value which the Governor General in Council may, by notification in the Gazette of India, specify in this behalf.

The Currency Department.

3. There shall continue to be a Department of the public service, to be called the Currency Department, whose function shall be the issue of promissory notes of the Government of India, to be called currency notes, payable to bearer on demand, and **Currency Department for issue of currency notes.**

of

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[*Price four annas and three pies.*]

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of such denominational values as the Governor General in Council may direct.

Controller of the Currency.

4. At the head of the Department there shall be an officer to be called the Controller of the Currency (hereinafter referred to as the Controller).

Power to establish circles of issue, offices of issue, and currency agencies.

5. The Governor General in Council may, by notification in the Gazette of India,—

(*a*) establish districts, to be called circles of issue, seven of which circles shall include the towns of Calcutta, Madras, Bombay, Rangoon, Lahore, Cawnpore and Karachi, respectively;

(*b*) appoint in each circle some one town to be the place of issue of currency notes, as hereinafter provided;

(*c*) establish in each such town an office or offices of issue; and

(*d*) establish in any town situate in any circle an office, to be called a currency agency.

Deputy Controllers of the Currency and Currency Agents.

6. For each circle of issue there shall be an officer in charge to be called the Deputy Controller of the Currency, and for each Currency Agency an officer to be called the Currency Agent.

Subordination of Officers.

7. For the purposes of this Act—

(*a*) Deputy Controllers of the Currency shall be subordinate to the Controller; and

(*b*) the Currency Agent at any town shall be subordinate to the Deputy Controller of the Currency for the circle of issue in which that town is situate.

Appointment of Officers.

8. All officers under this Act shall be appointed by the Governor General in Council.

Supply and Issue of Currency Notes.

Controller and Deputy Controllers to provide and distribute currency notes.

9. (*1*) The Controller shall provide currency notes of the denominational values prescribed under this Act, and shall supply the Deputy Controllers with such notes as they need for the purposes of this Act.

(*2*) The

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(*2*) The Deputy Controllers shall supply the Currency Agents subordinate to them, respectively, with such notes as those Agents need for the purposes of this Act.

(*3*) Every such note, other than a universal currency note, shall bear upon it the name of the town from which it is issued.

Signatures to currency notes.

10. The name of the Controller or one of the Deputy Controllers, or of some other person authorised by the Controller or by one of the Deputy Controllers, to sign currency notes, shall be subscribed to every such note, and may be impressed thereon by machinery, and, when so impressed, shall be deemed to be a valid signature.

Issue of currency notes for silver or gold coin by officers in charge of circles.

11. The officers in charge of circles of issue shall, in their respective circles, on the demand of any person, issue, from the office or offices of issue established in their respective circles, currency notes of the denominational values prescribed under this Act, in exchange for the amount thereof—

(*a*) in rupees or silver half-rupees or in gold coin which is legal tender under the Indian Coinage Act, 1906, or

III of 1906.

(*b*) in rupees made and declared to be a legal tender under the provisions of the Native Coinage Act, 1876.

IX of 1876.

Issue of currency notes for silver or gold coin by Currency Agents.

12. Any Currency Agent to whom currency notes have been supplied under section 9 may, if he thinks fit, on the demand of any person, issue from his agency any such notes in exchange for the amount thereof in any coin specified in section 11.

Issue to Government Treasuries of currency notes for gold coin not legal tender or gold bullion.

13. The officers in charge of circles of issue shall, on the requisition of the Controller, issue to any Government Treasury currency notes in exchange for gold coin which is not legal tender under the Indian Coinage Act, 1906, or for gold bullion at the rate of one rupee for 11·30016 grains troy of fine gold.

III of 1906.

Currency Notes where legal tender and where payable.

Currency notes where legal tender.

14. A universal currency note shall be a legal tender at any place in British India, and any

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any other currency note shall be a legal tender at any place within the circle from which the note was issued,

for the amount expressed in the note in payment or on account of—

(*a*) any revenue or other claim, to the amount of one rupee or upwards, due to the Government of India, and

(*b*) any sum of one rupee or upwards, due by the Government of India or by any body corporate or other person in British India:

Provided that no currency note shall be deemed to be a legal tender by the Government of India at any office of issue.

Currency notes where payable.

15. A currency note shall be payable at the following offices of issue, namely:—

(*a*) a universal currency note at any office of issue;

(*b*) a currency note other than a universal currency note at any office of issue in the town from which it was issued:

Provided that any such note issued before the 18th day of February, 1910, shall also be payable,—

(*i*) in the case of a note issued from the office at Cawnpore or Lahore, at any office of issue in Calcutta, and

(*ii*) in the case of a note issued from the office at Karachi, at any office of issue in Bombay.

Currency notes issued from currency agencies where deemed to be issued.

16. For the purposes of sections 14 and 15, currency notes issued from any currency agency shall be deemed to have been issued from the town appointed under section 5 to be the place of issue in the circle of issue in which that agency is established.

Provision in case of closure of office.

17. Where an office of issue is closed, the Governor General in Council shall, by notification in the Gazette of India, direct that, with effect from the

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the date of the closing of such office, all currency notes issued therefrom shall, for the purposes of sections 14 and 15, be deemed to have been issued from such other office as may be specified in such notification.

Reserve.

Paper Currency Reserve.

18. (*1*) The provisions contained in this section shall not come into operation until such day (hereinafter referred to as the appointed day) as the Governor General in Council may direct in this behalf.

(*2*) A Reserve shall be maintained for the satisfaction and discharge of the currency notes in circulation and all such notes shall be deemed to have been issued on the credit of the revenues of India as well as on that of the Reserve.

(*3*) The Reserve shall consist of two parts, namely :—

(*a*) the metallic Reserve, and

(*b*) the securities Reserve.

(*4*) The metallic Reserve shall consist of the total amount represented by the sovereigns, half-sovereigns, rupees, silver half-rupees, and gold and silver bullion for the time being held on that account by the Secretary of State for India in Council and by the Governor General in Council :

Provided that no amount of gold coin and bullion held by the Secretary of State in the United Kingdom in excess of fifty millions of rupees in value reckoned at the rate hereinafter provided for shall be included in the metallic Reserve.

(*5*) The securities Reserve shall consist of the securities which are for the time being held on that account by the Secretary of State for India in Council and on behalf of the Governor General in Council :

Provided

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Provided that—

(*a*) no securities held by the Secretary of State for India in Council, other than securities of the United Kingdom the date of maturity of which is not more than one year from the date of their purchase, shall be included in the securities Reserve; and

(*b*) the securities held on behalf of the Governor General in Council shall be securities of the Government of India and shall not exceed in amount two hundred millions of rupees, of which an amount of not more than one hundred and twenty millions of rupees may be securities created by the Government of India and issued to the Controller (such securities being hereinafter referred to as created securities).

(*6*) For the purposes of this section the expression "currency notes in circulation" means the whole amount of currency notes at any time in circulation:

Provided that currency notes which have not been presented for payment, in the case of notes of the denominational value of fifty or one hundred rupees, within forty years, and in the case of notes of any denominational value exceeding one hundred rupees, within one hundred years, from the first day of April following the date of their issue, shall be deemed to be not in circulation:

Provided, further, that all such notes shall be deemed to have been issued on the credit of the revenues of India and shall, if presented for payment, be paid from such revenues.

(7) Save as hereinafter provided in section 20, the amount of currency notes in circulation at any time shall not exceed the amount of the metallic Reserve together with the amount of the securities Reserve:

Provided

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Provided that it shall not be lawful for the Governor General in Council to direct the issue of currency notes, if or to the extent that such issue would have the effect of raising the amount of notes in circulation to an amount in excess of twice the amount for the time being of the metallic Reserve.

(*8*) For the purpose of determining—

(*a*) the amount of the metallic Reserve, gold bullion shall be reckoned at the rate of one rupee for 11·30016 grains troy of fine gold, and silver bullion at the price in rupees at which it was purchased,

(*b*) the amount of the securities Reserve, purchased securities shall be reckoned at the price at which they were purchased and created securities at the market price of similar securities on the date of their issue.

(*9*) The securities of the Government of India in the Reserve shall be held by the Controller and the Master of the Mint at Calcutta or of such other Mint as the Governor General in Council may direct in this behalf, in trust for the Secretary of State for India in Council.

Temporary provisions.

19. (*1*) As soon as conveniently may be after the relation of the amount of the currency notes in circulation to the amount of the Reserve has been brought into conformity with sub-sections (*2*) to (*8*) of section 18 and the metallic Reserve is not less than half the amount of currency notes in circulation, the Governor General in Council shall fix the appointed day.

(*2*) The provisions contained in this section shall be in force until the appointed day, but shall, as from that day, be deemed to be repealed.

(*3*) Save as hereinafter provided in section 20, the whole amount of currency notes at any time in circulation shall not exceed the total amount represented

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represented by the sovereigns, half-sovereigns, rupees, silver half-rupees and gold bullion, and the sum expended in the purchase of the silver bullion and securities, which are for the time being held by the Secretary of State for India in Council and by the Governor General in Council as a reserve to provide for the satisfaction and discharge of the said notes, and the said notes shall be deemed to have been issued on the credit of the revenues of India as well as on the security of the said coin, bullion and securities:

Provided that, for the purposes of this sub-section, currency notes which have not been presented for payment, in the case of notes of the denominational value of fifty or one hundred rupees within forty years, and, in the case of notes of any denominational value exceeding one hundred rupees, within one hundred years, from the first day of April following the date of their issue, shall be deemed not to be in circulation:

Provided, further, that all notes which are declared under the first proviso to this sub-section not to be in circulation shall be deemed to have been issued on the credit of the revenues of India and shall, if subsequently presented for payment, be paid from such revenues.

(*4*) The securities mentioned in sub-section (*3*) shall be securities of the United Kingdom of Great Britain and Ireland or of the Government of India, or securities issued by the Secretary of State for India in Council under the authority of Act of Parliament and charged on the revenues of India, and the value of them at the price at which they are purchased shall not exceed eight hundred and fifty millions of rupees.

Issue of currency notes for certain gold coin or gold or silver bullion or securities held by Secretary of State.

(*5*) If the Secretary of State for India in Council consents to hold in gold coin or bullion or in silver bullion or in securities of the kinds mentioned in sub-section (*4*), the equivalent in value to notes issued in India as a reserve to secure the payment of such notes, the Governor General in Council may from time to time direct that currency notes shall be

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be issued to an amount equal to the value of the coin, bullion and securities so held by the Secretary of State for India in Council.

(*6*) Notwithstanding anything to the contrary in this Act, any securities created by the Government of India and issued to the Controller shall, for the purposes of this Act, be deemed to be securities purchased by the Governor General in Council, and the market price, on the day such securities were so issued, of similar securities shall be deemed to be the price at which the securities so created were purchased, and all references to securities so purchased, wherever occurring in this Act, shall be deemed also to refer to securities so created, and all references to sums expended in such purchases or to prices paid therefor shall be deemed, in the case of securities so created, to refer to such prices, and this Act shall be construed accordingly.

(*7*) As long as the value of securities created by the Government of India and issued to the Controller and deemed in accordance with the provisions of the foregoing sub-section to be securities purchased by the Governor General in Council exceeds one hundred and twenty millions of rupees, all interest derived from the securities in the Reserve shall, with effect from the first day of April, 1923, be applied in reduction of such excess holding of securities and the Auditor-General shall in every year grant a certificate of the amount of such interest and shall also certify whether or not it has been so applied. For the purposes of this sub-section securities so created and issued shall be deemed to carry interest at the same rate as other similar securities.

(*8*) The securities purchased by the Governor General in Council shall be securities of the Government of India, and shall be held by the Controller and the Master of the Mint at Calcutta or of such other Mint as the Governor General in Council may direct in this behalf, in trust for the Secretary of State for India in Council.

20. Notwithstanding

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Power to issue currency notes against bills of exchange.

20. Notwithstanding anything to the contrary in section 18 or section 19, the Governor General in Council may authorise the Controller to issue currency notes to an amount in all not exceeding fifty millions of rupees against bills of exchange which will mature within ninety days from the date of such issue and satisfy such other conditions as the Governor General in Council may, by general or special order, prescribe. Currency notes so issued shall be in addition to those against which the Reserve is held and shall be deemed to have been issued on the credit of such bills and of the revenues of India and shall, when presented, be paid from such revenues.

Power to dispose of coin and bullion in reserve.

21. Subject to the provisions of sections 18 and 19, the Governor General in Council may at any time, if he thinks it expedient, convert any of the coin or bullion for the time being held by him as a part of the reserve into coin of any of the kinds mentioned in section 11 or into gold or silver bullion.

Coin or bullion not in India when deemed to be part of the reserve.

22. Notwithstanding anything to the contrary in this Act, any coin or bullion which is held by or on behalf of the Secretary of State for India in Council in the United Kingdom or under the control of the Government of any part of His Majesty's Dominions for the purpose of coinage for, or transmission to, the Governor General in Council and any coin or bullion which is in course of transmission from the Secretary of State for India in Council or the Government of any part of His Majesty's Dominions to the Governor General in Council and any coin or bullion which is in the course of transmission from the Governor General in Council to the Secretary of State for India in Council or the Government of any part of His Majesty's Dominions shall be deemed, during the period such coin or bullion is so held or is so in course of transmission, to be part of the reserve referred to in sections 18 and 19.

Power to sell and replace Indian securities.

23. (*1*) The Controller may, at any time, when ordered so to do by the Governor General in Council, sell and dispose of any of the securities held under

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under sub-section (*9*) of section 18 or sub-section (*8*) of section 19.

(*2*) For the purpose of effecting such sales, the Master of the Mint at Calcutta or of such other Mint as aforesaid shall, on a request in writing from the Controller at all times sign and endorse the securities, and the Controller, if so directed by the Governor General in Council, may purchase securities of the Government of India to replace such sales.

Account of interest on securities.

24. An account showing the amount of the interest accruing on the securities held as part of the reserve under this Act and the expenses and charges incidental thereto, shall be rendered annually by the Controller to the Governor General in Council, and published annually in the Gazette of India.

Private Bills payable to Bearer on Demand.

Prohibition of issue of private bills or notes payable to bearer on demand

25. No person in British India shall draw, accept, make or issue any bill of exchange, hundi, promissory note or engagement for the payment of money payable to bearer on demand, or borrow, owe or take up any sum or sums of money on the bills, hundis or notes payable to bearer on demand, of any such person:

Provided that cheques or drafts, payable to bearer on demand or otherwise, may be drawn on bankers, shroffs or agents by their customers or constituents, in respect of deposits of money in the hands of those bankers, shroffs or agents and held by them at the credit and disposal of the persons drawing such cheques or drafts.

Penalty for issuing such bills or notes and institution of prosecutions.

26. (*1*) Any person contravening the provisions of section 25 shall, on conviction by a Presidency Magistrate or a Magistrate of the first class, be punishable with a fine equal to the amount of the bill, hundi, note or engagement in respect whereof the offence is committed.

(*2*) Every prosecution under this section shall be instituted by the officer in charge of the circle of issue

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issue in which the bill, hundi, note or engagement is drawn, accepted, made or issued.

Supplementary Provisions.

Abstracts of accounts.

27. An abstract of the accounts of the Currency Department, showing—

(*a*) the whole amount of currency notes in circulation;

(*b*) the amount of coin and bullion reserved, distinguishing gold from silver, and showing separately the amount of coin or bullion held by or on behalf of the Secretary of State for India in Council, or in transit from or to India, or in the custody of the Mint Master during coinage;

(*c*) the nominal value of, and the price paid for, the securities held as part of the reserve, showing separately those held by the Secretary of State for India in Council and those held in India under sub-section (*9*) of section 18 or sub-section (*8*) of section 19; and

(*d*) the amount of currency notes issued against bills of exchange under the provisions of section 20;

shall be made up four times in each month by the Controller, and published, as soon as may be, in the Gazette of India.

Provision as to lost, mutilated and imperfect notes.

28. Notwithstanding anything contained in any enactment or rule of law to the contrary, no person shall as of right be entitled to recover from the Government of India the value of any lost, mutilated or imperfect currency note:

Provided that the Governor General in Council may by rule prescribe the circumstances, conditions and limitaions under which the value of such notes may be refunded as of grace.

29. (*1*) The

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29. (*1*) The Governor General in Council may make rules to carry out the purposes and objects of this Act. Power to make rules.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) fix the denominational values for which currency notes shall be issued;

(*b*) provide for the alteration of the limits of any of the circles of issue;

(*c*) declare the places at which currency notes shall be issued; and

(*d*) prescribe the circumstances in, and the conditions and limitations subject to, which the value of lost, mutilated or imperfect currency notes may be refunded at the office of issue.

(*3*) Every such rule shall be published in the Gazette of India, and, on such publication, shall have effect as if enacted in this Act.

30. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the last column thereof: Repeals.

Provided that all securities purchased and notes issued under the Indian Paper Currency Act, 1910, and all securities and notes which, under section 30 of that Act, are to be deemed to have been purchased or issued thereunder shall, if undisposed of or in circulation at the commencement of this Act, be deemed to have been respectively purchased and issued under this Act: 4I of 1910.

Provided, further, that all currency notes, which, under the said section 30, are to be deemed to have been issued from the office of issue in the town of Cawnpore, shall still be deemed to have been issued from that office.

THE SCHEDULE.

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THE SCHEDULE.

[ENACTMENTS REPEALED.]

(See section 30.)

Year.	No.	Short title.	Extent of repeal.
1910	II	The Indian Paper Currency Act, 1910.	So much as has not been repealed.
1911	VII	The Indian Paper Currency (Amendment) Act, 1911.	The whole.
1914	X	The Repealing and Amending Act, 1914.	So much of the Second Schedule as relates to the Indian Paper Currency Act, 1910.
1917	XIX	The Indian Paper Currency (Amendment) Act, 1917.	So much as has not been repealed.
1920	XLV	The Indian Paper Currency (Amendment) Act, 1920.	The whole.
1922	XII	The Indian Finance Act, 1922.	Section 6.

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CALCUTTA : PRINTED BY SUPDT. GOVT. PRINTING, INDIA, 8, HASTINGS STREET

ACT No. XI OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(*Received the assent of the Governor General on the 5th March, 1923.*)

An Act to amend certain enactments and to repeal certain other enactments.

WHEREAS it is expedient that certain amendments should be made in the enactments specified in the first Schedule;

AND WHEREAS it is also expedient that certain enactments specified in the Second Schedule which are spent or have otherwise become unnecessary, or have ceased to be in force otherwise than by express specific repeal, should be expressly and specifically repealed;

It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Repealing and Amending Act, 1923.

Amendment of certain enactments. **2.** The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Repeal of certain enactments. **3.** The enactments specified in the Second Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Savings. **4.** The repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability,

[*Price three annas and three pies.*]

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liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE.

AMENDMENTS.

(See section 2.)

Year.	Number.	Short title.	Amendments.
1867	XXV	The Press and Registration of Books Act, 1867.	In section 17, for the words "the last foregoing section" the word and figures "section 16" shall be substituted. In section 21, before the words "the Local Government" the words "the Governor General in Council or" and before the words "the local Gazette" the words "the Gazette of India or" shall be inserted and after the words "local Gazette" the words "as the case may be" shall be inserted.
1869	IV	The Indian Divorce Act, 1869.	(1) In section 3, clause (*1*), for the words "Chief Court of Lower Burma" the words "High Court of Judicature at Rangoon" shall be substituted. (2) In section 3, clause (2), for the word "Divisional" the word "District" shall be substituted.

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THE FIRST SCHEDULE—*contd.*

AMENDMENTS.

(See section 2.)

Year.	Number.	Short title.	Amendments.
1870	VII	The Court-fees Act, 1870	In Article 14, Schedule I, for the words "Chief Court of Lower Burma" the words "High Court of Judicature at Rangoon" shall be substituted.
1877	I	The Specific Relief Act, 1877.	In section 45, for the words "and Bombay" the words "Bombay and Rangoon" shall be substituted.
1890	IX	The Indian Railways Act, 1890.	In sub-section (*5*) of section 59, for the words and figures "a person enrolled as a volunteer under the Indian Volunteers Act, 1869" the words and figures "a member of the Indian Territorial Force or of the Auxiliary Force, India" shall be substituted.
1891	XVI	The Colonial Courts of Admiralty (India) Act, 1891.	In section 2, clause (*4*), for the words "Chief Court of Lower Burma" the words "High Court of Judicature at Rangoon" shall be substituted.
1897	X	The General Clauses Act, 1897.	After section 30, the following section shall be inserted, namely :— "30A. In this Act the expression "Act of the Governor General in Council" wherever it occurs, except in section 5, shall be deemed to include an Act made by the Governor General under section 67B of the Government of India Act." Application of Act to Acts made by the Governor General.
1898	V	The Code of Criminal Procedure, 1898.	In section 4, sub-section (*l*), clause (*j*), the word "and" where it occurs between the words "Patna" and "Lahore" shall be omitted and for the words "the Chief Court of Lower Burma" the words "and Rangoon" shall be substituted.

NATIONAL ARCHIVES OF INDIA

THE FIRST SCHEDULE—*contd.*

AMENDMENTS.

(See section 2.)

Year.	Number.	Short title.	Amendments.
1899	II	The Indian Stamp Act, 1899.	In section 57, sub-section (*1*), clause (*d*), for the words "Chief Court of Lower Burma" the words "High Court of Judicature at Rangoon" shall be substituted.
1899	IX	The Indian Arbitration Act, 1899.	In section 23, sub-section (*1*), for the words "Chief Court of Lower Burma", the words "High Court of Judicature at Rangoon" shall be substituted.
1908	IX	The Indian Limitation Act, 1908.	In the second column of the First Schedule,— (1) For each of the entries in Articles 4 and 5 the entry "six months" shall be substituted. (2) For each of the entries in Articles 7 to 31 the entry "one year" shall be substituted. (3) For each of the entries in Articles 33 to 36 the entry "Two years" shall be substituted. (4) For each of the entries in Articles 38 to 115 and for the entry in Article 181 the entry "Three years" shall be substituted. (5) For each of the entries in Articles 117 to 120 the entry "Six years" shall be substituted. (6) For each of the entries in Articles 122 to 144 the entry "Twelve years" shall be substituted. (7) For each of the entries in Articles 146 and 146A the entry "Thirty years" shall be substituted.

THE FIRST SCHEDULE.

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THE FIRST SCHEDULE—*contd.*

AMENDMENTS.

(*See section 2.*)

Year.	Number.	Short title.	Amendments.
			(8) For each of the entries in Articles 148 and 149 the entry "Sixty years" shall be substituted. (9) For each of the entries in Articles 153, 154 and Articles 164 to 170 the entry "Thirty days" shall be substituted. (10) For the entry in Article 159 the entry "Ten days" shall be substituted. (11) For the entry in Article 161 the entry "Fifteen days" shall be substituted. (12) For the entry in Article 172 the entry "Sixty days" shall be substituted. (13) For each of the entries in Articles 174 and 177 the entry "Ninety days" shall be substituted.
1911	II	The Indian Patents and Designs Act, 1911.	In sub-section (*1*) of section 78A, after the words "United Kingdom" where they first occur, the words "or his legal representative or assignee" shall be inserted.
1912	IV	The Indian Lunacy Act, 1912.	In sections 3 (*4*), 35 (*2*) and 91 (*1*) (*c*), for the word "confinement" the word "detention" shall be substituted. In sections 30 and 35 (*2*), for the word "confined" wherever it occurs the word "detained" shall be substituted.
1917	I	The Inland Steam Vessels Act, 1917.	In section 22A (*1*), for the words "as to such Government" the words "as such Government" shall be substituted.

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THE FIRST SCHEDULE—*contd.*

AMENDMENTS.

(See section 2.)

Year.	Number.	Short title.	Amendments.
1918	XVI	The Provisional Collection of Taxes Act, 1918.	In section 2, for the words "a Member of the Executive Council of the Governor General" the words "any officer of Government acting on behalf of the Governor General in Council," shall be substituted. After section 3 the following section shall be inserted, namely :— "4. A declaration such as is referred to in section 2 may be made in respect of any provision of a Bill of the nature described in that section which provides for the imposition or variation of any tax in the nature of customs or excise duties and where such declaration has been made in respect of any such provision this Act shall have effect as if references to the Bill were references to such provision." Application of Act to specified clause of a Bill.
1920	XXVI	The Indian Limitation and Code of Civil Procedure (Amendment) Act, 1920.	For section 2 the following section shall be substituted, namely :— "2. In the Third Division of the First Schedule to the Indian Limitation Act, 1908, in Articles 176, 177 and 179, for each of the entries in the second column the entry "ninety days" shall be substituted, and in Article 178, for the entry in the second column the entry "six months" shall be substituted.
1921	IX	The Enemy Missions Act, 1921.	In the Schedule, for the word "Budla" in the fourth column of the entries relating to the Assam Roman Catholic Mission Trust the words "Budla Beta" shall be substituted.

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THE FIRST SCHEDULE—*concld.*

AMENDMENTS.

(See section 2.)

Year.	Number.	Short title.	Amendments.
1922	II	The Indian Factories (Amendment) Act, 1922.	In section 25(*b*), for the figures and letter "19B" the figures and letter "19A" shall be substituted.
		Regulation by the Governor General in Council.	
1874	VIII	The Arakan Hills Civil Justice Regulation, 1874.	In section 76, for the words "Chief Court of British Burma" the words "High Court of Judicature at Rangoon" shall be substituted and for the words "Chief Court" where they elsewhere occur, the words "High Court" shall be substituted.

THE SECOND SCHEDULE.

REPEALS.

(See section 3.)

Year.	Number.	Short title.	Repeals.
		Acts of the Governor General in Council.	
1866	XXVII	The Indian Trustees Act, 1866.	In the definition of High Court in section 2, the words "and also the Chief Court of Lower Burma."
1866	XXVIII	The Trustees' and Mortgagees' Powers Act, 1866.	In the definition of High Court in section 1, the words "and includes the Chief Court of Lower Burma."
1870	VII	The Court-fees Act, 1870.	In Schedule I, Article 15.
1879	XVIII	The Legal Practitioners Act, 1879.	In section 41, sub-section (*4*), the words "except in the case of the Chief Court of Lower Burma."
1890	IX	The Indian Railways Act, 1890.	In section 26, sub-section (*3*), the words "or in the case of the Chief Court of Lower Burma, the Chief Judge."

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THE SECOND SCHEDULE—*contd.*

REPEALS.

(*See section 3.*)

Year.	Number.	Short title.	Repeals.
1898	V	The Code of Criminal Procedure, 1898.	(1) Clause (*d*) of section 4, sub-section (*1*). (2) In section 266, the words "the Chief Court of Lower Burma and". (3) In section 364, sub-section (*1*), the words "or the Chief Court of Lower Burma." (4) In section 365, the words "and the Chief Court of Burma."
1900	VI	The Lower Burma Courts Act, 1900.	The whole Act.
1908	V	The Code of Civil Procedure, 1908.	(1) In section 122, the words "and the Chief Court of Lower Burma." (2) In section 123, sub-section (*1*), the words "and of the Chief Court." (3) In section 123, sub-section (*2*), the words "(in Burma,)"
1910	XIV	The Indian Emigration (Amendment) Act, 1910.	The whole Act.
1914	IV	The Decentralisation Act, 1914.	So much of Part I of the Schedule as relates to the Indian Emigration Act, 1908.
1914	X	The Repealing and Amending Act, 1914.	So much of the Second Schedule as relates to the Indian Emigration Act, 1908.
1918	XIX	The Indian Defence Force (Further Amendment) Act, 1918.	The whole Act.
1919	XXIV	The Indian Companies Restriction Repealing Act, 1919.	The whole Act.
1920	XXXVIII	The Devolution Act, 1920.	So much of Part I of the First Schedule as relates to the Indian Emigration Act, 1908.
1921	VI	The Indian Finance Act, 1921.	The whole Act.

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THE SECOND SCHEDULE—*concld.*

REPEALS.

(See section 3.)

Year.	Number.	Short title.	Repeals.
1922	XXIII	The Indian Transfer of Ships Restriction (Repealing) Act, 1922.	The whole Act.
		Regulations by the Governor General in Council.	
1892	V	The Upper Burma Criminal Justice Regulation, 1892.	In the Schedule, section I and sub-sections (*1*) to (*4*) of section II and section X.
1896	[I]	The Upper Burma Civil Courts Regulation, 1896.	The whole Regulation.

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ACT No. XII OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 16th March, 1923.)

An Act further to amend the Code of Criminal Procedure, 1898, the European Vagrancy Act, 1874, the Indian Limitation Act, 1908, and the Central Provinces Courts Act, 1917, in order to provide for the removal of certain existing discriminations between European British subjects and Indians in criminal trials and proceedings.

V of 1898. IX of 1874. IX of 1908. C. P. Act I of 1917.

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898, the European Vagrancy Act, 1874, the Indian Limitation Act, 1908, and the Central Provinces Courts Act, 1917, in order to provide for the removal of certain existing discriminations between European British subjects and Indians in criminal trials and proceedings; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Criminal Law Amendment Act, 1923.

(*2*) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

Amendment of section 4, Code of Criminal Procedure, 1898.

V of 1898.

2. (*1*) In sub-section (*1*) of section 4 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the said Code), for clause (*i*) the following clause shall be substituted, namely:—

European British subject.

"(*i*) 'European British Subject' means—

(*i*) any subject of His Majesty of European descent in the male line born, naturalised or domiciled in the British Islands or any Colony, or

(*ii*) any

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(*ii*) any subject of His Majesty who is the child or grand-child of any such person by legitimate descent."

(*g*) In clause (*j*) of the same sub-section, after the word "Rangoon" the words "and the Courts of the Judicial Commissioners of the Central Provinces, Oudh and Sind" shall be inserted.

Amendment of section 22, Code of Criminal Procedure, 1898.

3. In section 22 of the said Code, the words and brackets "(other than the presidency-towns)" shall be omitted, and for the words "European British subjects" the words "persons resident within British India and not being the subjects of any foreign State" shall be substituted.

Repeal of sections 23 and 24, Code of Criminal Procedure, 1898.

4. Sections 23 and 24 of the said Code shall be omitted.

Amendment of section 29, Code of Criminal Procedure, 1898.

5. In sub-section (*1*) of section 29 of the said Code, for the words and figures "provisions of section 447" the words "other provisions of this Code" shall be substituted.

Insertion of new section 29A in the Code of Criminal Procedure, 1898.

6. After section 29 of the said Code the following section shall be inserted, namely:—

Trial of European British subjects by second and third class Magistrates.

"29A. No Magistrate of the second or third class shall inquire into or try any offence which is punishable otherwise than with fine not exceeding fifty rupees where the accused is an European British subject who claims to be tried as such."

Insertion of new section 34A in the Code of Criminal Procedure, 1898.

7. After section 34 of the said Code the following section shall be inserted, namely:—

Sentences which Courts and Magistrates may pass upon European British subjects.

"34A. Notwithstanding anything contained in sections 31, 32 and 34—

(*a*) no

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(*a*) no Court of Session shall pass on any European British subject any sentence other than a sentence of death, penal servitude, or imprisonment with or without fine, or of fine, and

(*b*) no District Magistrate or other Magistrate of the first class shall pass on any European British subject any sentence other than imprisonment which may extend to two years, or fine which may extend to one thousand rupees, or both."

8. Section 111 of the said Code shall be omitted. Repeal of section 111, Code of Criminal Procedure, 1898.

9. In sub-section (*1*) of section 206 of the said Code, the words and figures " Subject to the provision of section 443 " shall be omitted. Amendment of section 206, Code of Criminal Procedure, 1898.

10. Section 214 of the said Code shall be omitted. Repeal of section 214, Code of Criminal Procedure, 1898.

11. In section 215 of the said Code, the words and figures " or section 214 " shall be omitted. Amendment of section 215, Code of Criminal Procedure, 1898.

12. In section 266 of the said Code, after the word " includes " the following words shall be inserted, namely:—" the Courts of the Judicial Commissioners of the Central Provinces, Oudh and Sind and ". Amendment of section 266, Code of Criminal Procedure, 1898.

13. In sub-section (*2*) of section 274 of the said Code, for the word " three " the word " five " shall be substituted; and to the same sub-section the following proviso shall be added, namely:— Amendment of section 274, Code of Criminal Procedure, 1898.

" Provided that, where any accused person is charged with an offence punishable with death, the jury shall consist of not less than seven persons and, if practicable, of nine persons."

14. For

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Substitution of new section for section 275, Code of Criminal Procedure, 1898.

14. For section 275 of the said Code the following section shall be substituted, namely:—

Jury for trial of European and Indian British subjects and others.

"275. (*1*) In a trial by jury before the High Court or Court of Session of a person who has been found under the provisions of this Code to be an European or Indian British subject, a majority of the jury shall, if such person before the first juror is called and accepted so requires, consist, in the case of an European British subject, of persons who are Europeans or Americans and, in the case of an Indian British subject, of Indians.

(*2*) In any such trial by jury of a person who has been found under the provisions of this Code to be an European (other than an European British subject) or an American, a majority of the jury shall, if practicable and if such European or American before the first juror is called and accepted so requires, consist of persons who are Europeans or Americans."

Amendment of section 284, Code of Criminal Procedure, 1898.

15. In section 284 of the said Code, for the words "two or more shall be chosen, as the Judge thinks fit," the words "not less than three and, if practicable, four shall be chosen" shall be substituted.

Insertion of new section 284A in the Code of Criminal Procedure, 1898.

16. After section 284 of the said Code the following section shall be inserted, namely:—

Assessors for trial of European and Indian British subjects and others.

"284A. (*1*) In a trial with the aid of assessors of a person who has been found under the provisions of this Code to be an European or Indian British subject, if the European or Indian British subject accused, or, where there are several European British subjects accused or several Indian British subjects accused, all of them jointly, before the first assessor is chosen so require, all the assessors shall, in the case of European British subjects, be persons who are

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are Europeans or Americans or, in the case of Indian British subjects, be Indians.

(*2*) In a trial with the aid of assessors of a person who has been found under the provisions of this Code to be an European (other than an European British subject) or an American, all the assessors shall, if practicable and if such European or American before the first assessor is chosen so requires, be persons who are Europeans or Americans."

17. After section 285 the following heading and section shall be inserted, namely :— Insertion of new section 285A in the Code of Criminal Procedure, 1898.

" DD.—*Joint trials.*

285A. In any case in which an European or American is accused jointly with a person not being an European or American, or an Indian British subject is accused jointly with a person not being an Indian, and such European, Indian British subject or American is committed for trial before a Court of Session, he and such other person may be tried together, but if he requires to be tried in accordance with the provisions of section 275 or section 284A and is so tried, and the other person accused requires to be tried separately, such other person shall be tried separately in accordance with the provisions of this Chapter." Trial of European or Indian British subject or European or American jointly accused with others.

18. For section 312 of the said Code the following section shall be substituted, namely :— *Substitution of new section for section 312, Code of Criminal Procedure, 1898.*

" 312. The High Court may prescribe the number of persons whose names shall be entered at any one time in the special jurors list : Number of special jurors.

Provided that no definite number of Europeans or of Americans or of Indians shall be so prescribed."

19. (*1*) In sub-section

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Amendment of section 326, Code of Criminal Procedure, 1898.

19. (*1*) In sub-section (*1*) of section 326 of the said Code, after the words " for any such trial " the following words shall be added, namely:—

" and including, where any accused person is an European or an American, as many Europeans or Americans as may be required for the purpose of choosing jurors or assessors for the trial."

(*2*) To the same section the following sub-sections shall be added, namely:—

" (*3*) Where the accused requires and is entitled to be tried under the provisions of section 275, there shall be chosen by lot, in the manner prescribed by or under section 276, from the whole number of persons returned the jurors who are to constitute the jury until a jury containing the proper number of Europeans or Europeans and Americans or of Indians, as the case may be, has been obtained:

Provided that, in any case in which the proper number of Europeans or Americans cannot otherwise be obtained, the Court may, in its discretion for the purpose of constituting the jury, summon any person excluded from the list on the ground of his being exempted under section 320.

(*4*) Where, under the proviso to sub-section (*3*), the Court proposes to summon as a juror any person in His Majesty's Army, the provisions of section 317 shall apply in like manner as they apply for the purpose of the summoning of military jurors for a trial under section 316."

Repeal of section 336, Code of Criminal Procedure, 1898.

20. Section 336 of the said Code shall be omitted.

Amendment of section 390, Code of Criminal Procedure, 1898.

21. In section 390 of the said Code, after the word " shall " the words " subject to the provisions of section 391 " shall be inserted.

22. In

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22. In sub-section (*1*) of section 391 of the said Code, for the words "is sentenced to whipping in addition to imprisonment in a case which is subject to appeal" the following shall be substituted, namely:— Amendment of section 391, Code of Criminal Procedure, 1898.

"(*a*) is sentenced to whipping only and furnishes bail to the satisfaction of the Court for his appearance at such time and place as the Court may direct, or

(*b*) is sentenced to whipping in addition to imprisonment."

23. In section 408 of the said Code, clause (*a*) of the proviso shall be omitted. Amendment of section 408, Code of Criminal Procedure, 1898.

24. In section 413 of the said Code, the words "or the District Magistrate or other Magistrate of the first class" and the words "or of whipping only" shall be omitted; and after the words "one month only or" the words "in which a Court of Session or District Magistrate or other Magistrate of the first class passes a sentence" shall be inserted. Amendment of section 413, Code of Criminal Procedure, 1898.

25. In section 414 of the said Code, the words "of imprisonment not exceeding three months only, or" and the words "or of whipping only" shall be omitted. Amendment of section 414, Code of Criminal Procedure, 1898.

26. Section 416 of the said Code shall be omitted. Repeal of section 416, Code of Criminal Procedure, 1898.

27. For Chapter XXXIII including sections 443 to 463 of the said Code the following Chapter and sections shall be substituted, namely:— Substitution of new Chapter for Chapter XXXIII, Code of Criminal Procedure, 1898.

"CHAPTER XXXIII.

SPECIAL PROVISIONS RELATING TO CASES IN WHICH EUROPEAN AND INDIAN BRITISH SUBJECTS ARE CONCERNED.

443. (*1*) Where, in the course of the trial outside a presidency-town of any offence punishable with imprisonment, Determination regarding applica-

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bility of this Chapter.

imprisonment, the accused person, at any time before he is committed for trial under section 213 or is asked to show cause under section 242 or enters on his defence under section 256, as the case may be, claims that the case ought to be tried under the provisions of this Chapter, the Magistrate inquiring into or trying the case, after making such inquiry as he thinks necessary, and after allowing the accused person reasonable time within which to adduce evidence in support of his claim, shall, if he is satisfied—

(*a*) that the complainant and the accused persons or any of them are respectively European and Indian British subjects or Indian and European British subjects, or

(*b*) that, in view of the connection with the case of both an European British subject and an Indian British subject, it is expedient for the ends of justice that the case should be tried under the provisions of this Chapter,

record a finding that the case is a case which ought to be tried under the provisions of this Chapter, or, if he is not so satisfied, record a finding that it is not such a case.

(*2*) Where the Magistrate rejects the claim, the person by whom it was made may appeal to the Sessions Judge, and the decision of the Sessions Judge thereon shall be final and shall not be questioned in any Court in appeal or revision.

(*3*) Where the Magistrate rejects the claim, he shall stay the proceedings until the expiration of the period allowed for the presentation of the appeal or, if an appeal is presented, until it has been decided.

Definition of "complainant."

444. For the purposes of section 443, "complainant" means any person making a complaint or, in relation to any case of which cognizance is

taken

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taken under clause (*b*) of section 190, sub-section (*1*), any person who has given information relating to the commission of the offence within the meaning of section 154:

Provided that a Public Prosecutor, a public servant, a member, officer or servant of any local authority, a railway servant as defined in section 3 of the Indian Railways Act, 1890, or an officer or servant of any company, association or other body to which the Local Government may, by general or special order published in the local official Gazette, declare the provisions of this section to apply, shall not, by reason only of the fact that he has made a complaint of, or given information of, an offence in his capacity as such Public Prosecutor, public servant, railway servant, member, officer or servant, be deemed to be a complainant within the meaning of this section, nor shall a police-officer be so deemed by reason only of the fact that a report under section 173 relating to a case has been made by or through him.

IX of 1890.

445. (*1*) Where a Magistrate or a Sessions Judge decides under section 443 that a case ought to be tried under the provisions of this Chapter and the case is a summons-case, the Magistrate trying the same shall direct that the case be referred to a Bench of two Magistrates and shall send a copy of such order to the District Magistrate who shall forthwith provide for the constitution of a Bench of two Magistrates of the first class, of whom one shall be an European and the other an Indian, for the trial of the case.

Procedure in summons-cases.

(*2*) Where the Magistrates constituting the Bench by which a case is tried under this section differ in opinion, the case, together with their opinions thereon, shall be laid before the Sessions Judge, who may examine any party or recall and examine any witness who has already given evidence in the case, and may call for and take any further evidence, and shall thereafter pass such judgment, sentence

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sentence or order in the case as he thinks fit and as is according to law.

(*3*) Any person convicted by a Bench under this section shall have the same right of appeal as if he had been convicted by a Magistrate of the first class, and any person convicted by a Sessions Judge under sub-section (*2*) shall have the same right of appeal to the High Court as if he had been convicted by the Sessions Judge at a trial held by the Sessions Judge under this Code.

(*4*) In any case in which it is impracticable to constitute a Bench in accordance with the provisions of sub-section (*1*) in any district, the District Magistrate shall transfer the case for trial by a like Bench to such other district as the High Court may, by general or special order, direct.

(5) Notwithstanding anything contained in this section, the Local Government may, by notification in the local official Gazette, direct that all summons-cases tried under the provisions of this Chapter in any district specified in the notification shall be tried as if they were warrant-cases in accordance with the provisions hereinafter in this Chapter laid down for the trial of warrant-cases.

Procedure in warrant-cases.

446. (*1*) Where a Magistrate or a Sessions Judge decides under section 443 that a case ought to be tried under the provisions of this Chapter and the case is a warrant-case, the Magistrate inquiring into or trying the case shall, if he does not discharge the accused under section 209 or section 253, as the case may be, commit the case for trial to the Court of Session, whether the case is or is not exclusively triable by that Court.

(*2*) Where an accused is committed to the Court of Session under sub-section (*1*), the Court shall proceed to try the case as if the accused had required to be tried in accordance with the provisions of section 275, and the provisions of that section and the other provisions of Chapter XXIII,

so

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so far as they are applicable, shall apply accordingly:

Provided that where the trial before the Court of Session would in the ordinary course be with the aid of assessors and the accused, or all of them jointly, require to be tried in accordance with the provisions of section 284A, the trial shall be held with the aid of assessors all of whom shall, in the case of European British subjects, be persons who are Europeans or Americans or, in the case of Indian British subjects, be Indians.

Court to inform accused persons of their rights in certain cases.

447. If at any stage of an inquiry or trial under this Code it appears to the Magistrate that the case is or might be held to be a case which ought to be tried under the provisions of this Chapter, he shall forthwith inform the accused person of his rights under this Chapter.

References to Sessions Judge to be construed as references to High Court in Rangoon.

448. For the purpose of the trial in Rangoon of any person under the provisions of this Chapter, references to the Sessions Judge shall be construed as references to the High Court of Judicature at Rangoon.

Special provisions relating to appeal.

449. (*1*) Where—

(*a*) a case is tried by jury in a High Court or Court of Session under the provisions of this Chapter, or

(*b*) a case which would otherwise have been tried under the provisions of this Chapter is under this Code committed to or transferred to the High Court and is tried by jury in the High Court, or

(*c*) a case is tried by jury in the High Court in a presidency-town and the High Court grants leave to appeal on the ground that the case would, if it had been tried outside a presidency-town, have been triable under the provisions of this Chapter,

then, notwithstanding anything contained in section 418 or section 423, sub-section (*2*), or in the letters patent

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patent of any High Court, an appeal may lie to the High Court on a matter of fact as well as on a matter of law.

(*2*) Notwithstanding anything contained in the letters patent of any High Court, the Local Government may direct the Public Prosecutor to present an appeal to the High Court from an original order of acquittal passed by the High Court in any such trial as is referred to in sub-section (*1*).

(*3*) An appeal under sub-section (*1*) or sub-section (*2*) shall, where the High Court consists of more than one Judge, be heard by two Judges of the High Court."

Amendment of section 478, Code of Criminal Procedure, 1898.

28. In sub-section (*2*) of section 478 of the said Code, the words and figures " subject to the provisions of section 443 " shall be omitted; and, after the word and figures " Chapter XVIII " the words and figures " and of Chapter XXXIII in cases where that Chapter applies " shall be inserted.

Amendment of section 480, Code of Criminal Procedure, 1898.

29. In section 480 of the said Code,—

(*a*) in sub-section (*1*), the words " whether he is a European British subject or not " shall be omitted; and

(*b*) in sub-section (*2*), for the words and figures " section 443 or section 444 " the words and figures " section 29A or in Chapter XXXIII " shall be substituted.

Amendment of section 491, Code of Criminal Procedure, 1898.

30. (*1*) In sub-section (*1*) of section 491 of the said Code,—

(*a*) for the words " Any of the High Courts of Judicature at Fort William, Madras and Bombay " the words " Any High Court " shall be substituted; and

(*b*) for the words " ordinary original civil jurisdiction " the words " appellate criminal jurisdiction " shall be substituted.

(*2*) In sub-section (*2*) of the same section, for the words " Each of the said High Courts " the words " The High Court " shall be substituted.

31. In

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31. In Chapter XXXVII of the said Code, after section 491 the following section shall be inserted, namely:— Insertion of new section 491A in the Code of Criminal Procedure, 1898.

"491A. Any High Court established by letters patent may exercise the powers conferred by section 491 in the case of any European British subject within such territories, other than those within the limits of its appellate criminal jurisdiction, as the Governor General in Council may direct." Powers of High Court outside the limits of appellate jurisdiction.

32. After section 526 of the said Code the following section shall be inserted, namely:— Insertion of new section 526A in the Code of Criminal Procedure, 1898.

29 and 30 Vic., c. 109. 44 and 45 Vic., c. 58. 7 and 8 Geo. V, c. 51.

"526A. (*1*) Where any person subject to the Naval Discipline Act or to the Army Act or to the Air Force Act is accused of any offence such as is referred to in proviso (*a*) to section 41 of the Army Act, the Advocate General shall, if so instructed by the competent authority, apply to the High Court for the committal or transfer of the case to that High Court and thereupon the High Court shall order that the case be committed for trial to or be transferred to itself and shall thereafter proceed to try the case by jury. High Court to transfer for trial to itself in certain cases.

(*2*) The Governor General in Council may, by notification in the Gazette of India, declare any officer to be the competent authority for the purpose of issuing instructions under sub-section (*1*) in regard to any class of cases specified in the notification."

33. After Chapter XLIV of the said Code, the following Chapter shall be inserted, namely:— Insertion of new Chapter XLIVA in the Code of Criminal Procedure, 1898.

"CHAPTER XLIVA.

SUPPLEMENTARY PROVISIONS RELATING TO EUROPEAN AND INDIAN BRITISH SUBJECTS AND OTHERS.

528A. (*1*) Where, in any case to which the provisions of Chapter XXXIII do not apply, any person claims to be dealt with as an European or Indian Procedure of claim of a person to be dealt with as European or

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Indian British subject, or as European or American.

Indian British subject, or where any person claims to be dealt with as an European (other than an European British subject) or an American, he shall state the grounds of such claim to the Magistrate before whom he is brought for the purpose of the inquiry or trial; and such Magistrate shall inquire into the truth of such statement and allow the person making it a reasonable time within which to prove that it is true, and shall then decide whether he is or is not an European British subject or an Indian British subject, or an European or an American, as the case may be, and shall deal with him accordingly.

(*2*) When any such claim is rejected by the Magistrate and the person by whom it was made is committed by the Magistrate for trial before the Court of Session, and such person repeats the claim before such Court, such Court shall, after such further inquiry, if any as it thinks fit, decide the claim, and shall deal with such person accordingly.

(*3*) When any Court before which any person is tried rejects any such claim as aforesaid the decision shall form a ground of appeal from the sentence or order passed in such trial.

Failure to plead status a waiver.

528B. If in any such case an European or Indian British subject or an European (other than an European British subject) or an American does not claim to be dealt with as such by the Magistrate before whom he is tried or by whom he is committed, or if, when such claim has been made before and rejected by the committing Magistrate, it is not repeated before the Court to which such person is committed, he shall be held to have relinquished his right to be dealt with as an European British subject or an Indian British subject, or an European or an American, as the case may be, and shall not assert it in any subsequent stage of the case.

Trial of person as belonging to class

528C. Where a person, not being an European British subject, is dealt with as an European British subject or, not being an Indian British subject, is dealt

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dealt with as an Indian British subject or, not being an European (other than an European British subject) or American, is dealt with as an European or American, and such person does not object, the inquiry, commitment, trial, or sentence, as the case may be, shall not, by reason of such dealing, be invalid. to which he does not belong.

528D. (*1*) Unless there is something repugnant in the context, all enactments made by the Governor General in Council or the Indian Legislature which confer on Magistrates or on the Court of Session jurisdiction over offences shall be deemed to apply to European British subjects, although such persons are not expressly referred to therein. Application of Acts conferring jurisdiction on Magistrates or Courts of Session.

(*2*) Nothing in this section shall be deemed to authorise any Court to exceed the limits prescribed by this Code as to the amount of punishment which it may inflict on an European British subject or to confer jurisdiction on any Magistrate of the second or third class for the trial of such subjects."

34. For section 534 of the said Code the following section shall be substituted, namely :— Amendment of section 534, Code of Criminal Procedure, 1898.

" 534. An omission to inform under section 447 any person of his rights under Chapter XXXIII shall not affect the validity of any proceeding." Omission to give information under section 447.

35. In section 4 of the European Vagrancy Act, 1874 (hereinafter referred to as the said Act), for the words " the nearest Justice of the Peace exercising the powers of a Magistrate of the first class under the Code of Criminal Procedure " the words " the nearest Magistrate of the first class " shall be substituted. Amendment of section 4, Act IX of 1874.

IX of 1874.

V of 1898.

36. In sections 5, 8 and 29 of the said Act, for the word " Justice " the words " Magistrate of the first class " shall be substituted. Amendment of sections 5, 8 and 29, Act IX of 1874.

37. In sections 7, 9, 10 and 24 of the said Act, for the words " Justice of the Peace exercising powers as aforesaid " the words " Magistrate of the first class " Amendment of sections 7, 9, 10 and 24, Act IX of 1874.

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class" shall be substituted; and, in section 10 of the said Act, the words "Justice of the Peace," where they first occur, shall be omitted.

Amendment of section 19, Act IX of 1874.

38. In section 19 of the said Act, for the words "Justice of the Peace," wherever they occur, the words "Magistrate of the first class" shall be substituted.

Amendment of section 30, Act IX of 1874.

39. In section 30 of the said Act, the words "beyond the limits of the said towns" the words and brackets "(other than those contained in Chapter XXXVIII of the same Code)", and the words "If from any cause he is committed or held to bail by a Justice of the Peace to take his trial before a High Court, he shall not be at liberty to object to the jurisdiction of such Justice of the Peace or High Court on the ground of anything contained in the former part of this section" shall be omitted.

Amendment of section 35, Act IX of 1874.

40. In section 35 of the said Act, the words "Justices of the Peace exercising the powers of a Magistrate of the first class" shall be omitted.

Amendment of the First Schedule to Act IX of 1874.

41. In the First Schedule to the said Act, for the words "Justice of the Peace for exercising the powers of a Magistrate of the class" the words "Magistrate of the first class" shall be substituted.

Amendment of First Schedule to Act IX of 1908.

42. In the First Schedule to the Indian Limitation Act, 1908, the following item shall be inserted after item 150, namely:— IX of 1908.

"150A.—Under the Code of Criminal Procedure, 1898, from a finding rejecting a claim under section 443 of that Code.	Seven days.	The date of the finding."

Amendment of section 3, Central Provinces Courts Act, 1917.

43. In section 3 of the Central Provinces Courts Act, 1917, the words "except in reference to proceedings against European British subjects and persons jointly charged with the European British subjects" shall be omitted. C. P. Act I of 1917.

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ACT No. XIII OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(*Received the assent of the Governor General on the 16th March, 1923.*)

An Act further to amend the Married Women's Property Act, 1874.

III of 1874. WHEREAS it is expedient further to amend the Married Women's Property Act, 1874; It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Married Women's Property (Amendment) Act, 1923.

Amendment of section 6, Act III of 1874. **2.** Section 6 of the Married Women's Property III of 1874. Act, 1874, shall be renumbered as sub-section (*1*) of section 6, and to the said section the following sub-section shall be added, namely :—

"(*2*) Notwithstanding anything contained in section 2, the provisions of sub-section (*1*) shall apply in the case of any policy of insurance such as is referred to therein which is effected by any Hindu, Muhammadan, Sikh or Jain, in Madras after the thirty-first day of December, 1913, or in any other part of British India after the first day of April, 1923 :

Provided that nothing herein contained shall affect any right or liability which has accrued or been incurred under any decree of a competent Court passed before the first day of April, 1923."

[*Price one anna.*]

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ACT No. XIV OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 16th March, 1923.)

An Act to provide for the creation of a fund for the improvement and development of the growing, marketing and manufacture of cotton in India.

WHEREAS it is expedient to provide for the creation of a fund to be expended by a Committee specially constituted in this behalf for the improvement and development of the growing, marketing and manufacture of cotton in India; It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Indian Cotton Cess Act, 1923.

(*2*) It extends to the whole of British India (including British Baluchistan and the Sonthal Parganas), except Aden.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Collector" means, in reference to cotton consumed in a mill in British India, the Collector of the district in which the mill is situated;

(*b*) "the Committee" means the Indian Central Cotton Committee constituted under this Act;

(*c*) "cotton" means raw cotton, whether baled or loose, which has been ginned;

(*d*) "Customs-collector" and "customs-port" mean respectively a Customs-collector and a customs-port as defined in section 3 of the Sea Customs Act, 1878;

VIII of 1878.

(*e*) "mill"

[*Price three annas and nine pies.*]

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(*e*) " mill " means any place which is a factory as defined in section 2 of the Indian Factories Act, 1911, and in which cotton is converted into yarn or thread either for sale as such or for conversion into cotton goods as defined in section 3 of the Cotton Duties Act, 1896; and XII of 1911. II of 1896.

(*f*) " prescribed " means prescribed by rules made under this Act.

Imposition of cotton cess.

3. There shall be levied and collected on all cotton produced in India and either exported from any customs-port to any port outside British India or consumed in any mill in British India a cess at the rate of two annas per standard bale of four hundred pounds avoirdupois, or, in the case of unbaled cotton, of six pies per hundred pounds avoirdupois:

Provided that the cess shall be levied and collected at double the above rates until the expiry of three years from the commencement of this Act.

Constitution of Indian Central Cotton Committee.

4. As soon as may be after the commencement of this Act, the Governor General in Council shall cause to be constituted a Committee consisting of the following members, namely:—

(*i*) the Agricultural Adviser to the Government of India;

(*ii*) six persons representing, respectively, the Agricultural Departments of the Local Governments of Madras, Bombay, the United Provinces, the Punjab, the Central Provinces and Burma and nominated respectively by those Local Governments;

(*iii*) the Director General of Commercial Intelligence;

(*iv*) nine persons nominated, respectively, by the East India Cotton Association, the Bombay Millowners' Association, the Bombay Chamber of Commerce, the Indian Merchants' Chamber, Bombay, the

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the Karachi Chamber of Commerce, the Ahmedabad Millowners' Association, the Tuticorin Chamber of Commerce, the Upper India Chamber of Commerce, and the Empire Cotton Growing Corporation;

(*v*) four persons representing the cotton manufacturing or cotton ginning industry, of whom two shall be nominated by the Local Government of the Central Provinces and one by each of the Local Governments of Madras and the Punjab;

(*vi*) one person nominated by the Local Government of Bengal;

(*vii*) one person having knowledge of co-operative banking nominated by the Governor General in Council;

(*viii*) ten persons representing the cotton growing industry in Madras, Bombay, the United Provinces, the Punjab, and the Central Provinces and Berar, of whom two shall be nominated by each of the Local Governments of those Provinces;

(*ix*) three persons nominated, respectively, by the Government of His Exalted Highness the Nizam of the Hyderabad State, by the Durbar of the Baroda State and by the Durbar of the Gwalior State;

(*x*) one person nominated jointly by the Durbars of the Indian States in Rajputana and Central India; and

(*xi*) such additional persons as the Governor General in Council may, by notification in the Gazette of India, appoint:

Provided that, if within the period prescribed in this behalf, any authority or other person fails to make any nomination which it or he is entitled to make

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make under this section, the Governor General in Council may himself appoint a member or members, as the case may be, to fill the vacancy or vacancies.

Incorporation of the Committee.

5. (*1*) The Committee so constituted shall be a body corporate by the name of the Indian Central Cotton Committee, having perpetual succession and a common seal with power to acquire and hold property both moveable and immoveable and to contract, and shall by the said name sue and be sued.

(*2*) The Agricultural Adviser to the Government of India shall be *ex-officio* President of the Committee.

(*3*) The Secretary of the Committee shall be a person, not being a member of the Committee, appointed by the Governor General in Council.

Delivery of monthly returns

6. (*1*) The owner of every mill shall furnish to the Collector, on or before the seventh day of each month, a return stating the total amount of cotton consumed or brought under process in the mill during the preceding month, together with such further information in regard thereto as may be prescribed :

Provided that no return shall be required in regard to cotton consumed or brought under process before the commencement of this Act.

(*2*) Every such return shall be made in such form and shall be verified in such manner as may be prescribed.

Collection of cess by Collector.

7. (*1*) On receiving any return made under section 6, the Collector shall assess the cotton cess payable in respect of the period to which the return relates, and if the amount has not already been paid shall cause a notice to be served upon the owner of the mill requiring him to make payment of the amount assessed within ten days of the service of the notice.

(*2*) If the owner of any mill fails to furnish in due time the return referred to in section 6 or furnishes a return which the Collector has reason to believe is incorrect or defective, the Collector shall assess the amount payable by him in such manner, if any, as may be prescribed, and the provisions

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provisions of sub-section (*1*) shall thereupon apply as if such assessment had been made on the basis of a return furnished by the owner:

Provided that, in the case of a return which he has reason to believe is incorrect or defective, the Collector shall not assess the cess at an amount higher than that at which it is assessable on the basis of the return without giving to the owner a reasonable opportunity of proving the correctness and completeness of the return.

(*3*) A notice under sub-section (*1*) may be served on the owner of a mill either by post or by delivering it or tendering it to the owner or his agent at the mill.

Collection of cess on exported cotton.

8. In respect of cotton exported by sea, the cess shall be assessed and levied by the Customs-collector at the customs-port of export and, subject to the provisions of this Act and of any rules made thereunder, shall, for all or any of the purposes of the Sea Customs Act, 1878, be deemed to be a duty of customs.

VIII of 1878.

Finality of assessment and recovery of unpaid cess

9. (*1*) An assessment made in accordance with the provisions of section 7 or section 8 shall not be questioned in any Court.

(*2*) Any owner of a mill who is aggrieved by an assessment made under section 7 may, within three months of service of the notice referred to in sub-section (*1*) of that section, apply to the Local Government for the cancellation or modification of the assessment and, on such application, the Local Government may cancel or modify the assessment and order the refund to such owner of the whole or part, as the case may be, of any amount paid thereunder.

(*3*) Any sum recoverable under section 7 may be recovered as an arrear of land revenue.

Power to inspect mills and take copies of records and accounts.

10. (*1*) The Collector or any officer empowered by general or special order of the Local Government in this behalf shall have free access at all reasonable times during working hours to any mill or to any part of any mill.

(*2*) The

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(*2*) The Collector or any such officer may at any time, with or without notice to the owner, examine the working records, sale records and accounts of any mill and take copies of or extracts from all or any of the said records or accounts for the purpose of testing the accuracy of any return or of informing himself as to the particulars regarding which information is required for the purposes of this Act or any rules made thereunder.

(*3*) Where any officer other than the Collector proposes to examine under sub-section (*2*) any record or account containing the description or formulæ of any trade process, the owner of the mill may give to the said officer, for transmission to the Collector, a written notice of objection and the officer shall thereupon seal up the record or account pending the orders of the Collector.

Information acquired to be confidential.

11. (*1*) All such copies and extracts and all information acquired by a Collector or any other officer from an inspection of any mill or warehouse or from any return submitted under this Act shall be treated as confidential.

(*2*) If the Collector or any such officer discloses to any person other than a superior officer any such information as aforesaid without the previous sanction of the Local Government, he shall be punishable with imprisonment which may extend to six months and shall also be liable to fine:

Provided that nothing in this section shall apply to the disclosure of any such information for the purposes of a prosecution in respect of the making of a false return under this Act.

Application of proceeds of cess.

12. (*1*) On the last day of each month, or as soon thereafter as may be convenient, the proceeds of the cess recovered during that month shall, after deduction of the expenses, if any, of collection and recovery, be paid to the Committee.

(*2*) Subject to such conditions as may be prescribed, the said proceeds and any other monies received by the Committee shall be applied to meeting

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meeting the expenses of the Committee and the cost of such measures as it may, with the previous approval of the Governor General in Council, decide to undertake for promoting agricultural and technological research in the interests of the cotton industry in India.

Validation

13. No act done or proceeding taken under this Act shall be questioned on the ground merely of the existence of any vacancy in or any defect in the constitution of the Committee or the Standing Finance Sub-Committee, if any.

Dissolution of Committee.

14. The Governor General in Council may, by notification in the Gazette of India, declare that, with effect from such date as may be specified in the notification, the Committee shall be dissolved, and on the making of such declaration all funds and other property vested in the Committee shall vest in His Majesty and this Act shall be deemed to have been repealed.

Power of the Governor General in Council to make rules.

15. (*1*) The Governor General in Council may make rules for the purpose of carrying into effect all or any of the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) for prescribing the time within which nominations shall be made under section 4 whether in the first instance or on the occurrence of vacancies;

(*b*) for prescribing the term of office of the members of the Committee;

(*c*) for prescribing the circumstances in which and the authority by which any member may be removed;

(*d*) for the holding of a minimum number of meetings of the Committee during any year;

(*e*) for the maintenance by the Committee of a record of all business transacted and the

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the submission of copies of such records to the Governor General in Council;

(*f*) for the definition of the powers of the Committee and of the Secretary to enter into contracts which shall be binding on the Committee, and the manner in which such contracts shall be executed;

(*g*) for the regulation of the travelling allowances of members of the Committee and of their remuneration, if any;

(*h*) for the definition of the powers of the Committee and the Secretary in respect of the appointment, promotion and dismissal of officers and servants of the Committee, and in respect of the creation and abolition of appointments of such officers or servants;

(*i*) for the regulation of the grant of pay and leave to officers and servants of the Committee, and the payment of leave allowances to such officers and servants, and the remuneration to be paid to any person appointed to act for any officer or servant to whom leave is granted;

(*j*) for the regulation of the payment of pensions, gratuities, compassionate allowances and travelling allowances to officers and servants of the Committee;

(*k*) for prescribing the establishment and maintenance of a provident fund for the officers and servants of the Committee, and for the deduction of subscriptions to such provident fund from the pay and allowances of such officers and servants, other than Government servants whose services have been lent or transferred to the Committee;

(*l*) for prescribing the preparation of budget estimates of the annual receipts and expenditure of the Committee and of supplementary

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supplementary estimates of expenditure not included in the budget estimates, and the manner in which such estimates shall be sanctioned and published;

(*m*) for defining the powers of the Committee, the Standing Finance Sub-Committee, if any, the President and the Secretary, respectively, in regard to the expenditure of the funds of the Committee, whether provision has or has not been made in the budget estimates or by reappropriation for such expenditure, and in regard to the reappropriation of estimated savings in the budget estimates of expenditure;

(*n*) for prescribing the maintenance of accounts of the receipts and expenditure of the Committee and providing for the audit of such accounts;

(*o*) for prescribing the manner in which payments are to be made by or on behalf of the Committee, and the officers by whom orders for making deposits or investments or for withdrawals or disposal of the funds of the Committee shall be signed;

(*p*) for determining the custody in which the current account of the Committee shall be kept, and the bank or banks at which surplus monies at the credit of the Committee may be deposited at interest, and the conditions on which such monies may be otherwise invested;

(*q*) for prescribing the preparation of a statement showing the sums allotted to Provincial Departments of Agriculture or institutions not under the direct control of the Committee for expenditure on research, the actual expenditure incurred, the outstanding liabilities, if any, and the disposal of unexpended balances at the end of the year;

(*r*) the

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(*r*) the assessment, levy, and payment of the cotton cess in respect of cotton exported by sea; and

(*s*) any other matter which is to be or may be prescribed.

Power of the Committee to make rules.

16. The Committee may, with the previous sanction of the Governor General in Council, make rules consistent with this Act and with any rules made under section 15 to provide for all or any of the following matters, namely:—

(*a*) for the appointment of a Standing Finance Sub-Committee and the delegation thereto of any powers exercisable under this Act by the Committee;

(*b*) for prescribing the method of appointment, removal and replacement and the term of office of members of the Standing Finance Sub-Committee, and for the filling of vacancies therein;

(*c*) for the appointment of the dates, times and places for meetings of the Committee and the Standing Finance Sub-Committee, and for regulating the procedure to be observed at such meetings;

(*d*) for determining the circumstances in which security may be demanded from officers and servants of the Committee, and the amount and nature of such security in each case;

(*e*) for determining the times at which, and the circumstances in which, payments may be made out of the provident fund and the conditions on which such payments shall relieve the fund from further liability;

(*f*) for determining the contribution, if any, payable from the funds of the Committee to the provident fund;

(*g*) for

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(*g*) for regulating generally all matters incidental to the provident fund and the investment thereof;

(*h*) for defining the powers and duties of the Secretary of the Committee.

Publication of rules.

17. All rules made under section 15 or section 16 shall be published in the Gazette of India and, on such publication, shall have effect as if enacted in this Act.

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ACT No. XV OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 16th March, 1923.)

An Act to amend the Indian Income-tax Act, 1922.

XI of 1922. WHEREAS it is expedient to amend the Indian Income-tax Act, 1922; It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Indian Income-tax (Amendment) Act, 1923.

Amendment of section 7, Act XI of 1922. **2.** To sub-section (*1*) of section 7 of the Indian XI of 1922. Income-tax Act, 1922 (hereinafter referred to as the said Act), the following explanation shall be added, namely :—

"*Explanation.*—The right of a person to occupy free of rent as a place of residence any premises provided by his employer is a perquisite for the purposes of this sub-section."

Amendment of section 68, Act XI of 1922. **3.** (*1*) In section 68 of the said Act, in the second proviso,—

(*a*) for the words and figures "to all assessments made under that Act in the year ending on the thirty-first day of March, 1922," the following shall be substituted, namely :—

"to income-tax leviable under that Act in respect of the year beginning on the first day of April, 1921, and to super-tax chargeable under the Super-tax Act, 1920, in that year"; and

(*b*) for the words and figures "section 19 of the said Act" the words "that section" shall be substituted.

(*2*) The amendments made in the said Act by sub-section (*1*) shall have effect as if they had been made on the first day of April, 1922.

[*Price one anna.*]

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ACT No. XVI OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 16th March, 1923.)

An Act further to amend the Government Savings Banks Act, 1873.

WHEREAS it is expedient further to amend the Government Savings Banks Act, 1873; It is hereby enacted as follows :— of 1873.

1. This Act may be called the Government Savings Banks (Amendment) Act, 1923. Short title.

2. In section 3 of the Government Savings Banks Act, 1873 (hereinafter referred to as the said Act), for the definition of " Secretary " the following shall be substituted, namely :— of 1873. Amendment of section 3, Act V of 1873.

" ' Secretary ' means, in the case of a Post Office Savings Bank, the Postmaster-General appointed for the area in which the Savings Bank is situate."

3. For section 4 of the said Act the following section shall be substituted, namely :— Substitution of new section for section 4, Act V of 1873.

" 4. If a depositor dies and probate of his will or letters of administration of his estate or a certificate granted under the Succession Certificate Act, 1889, is not within three months of the death of the depositor produced to the Secretary of the Government Savings Bank in which the deposit is, then— Payment on death of depositor. VII of 1889.

(*a*) if the deposit does not exceed three thousand rupees, the Secretary may pay

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pay the same to any person appearing to him to be entitled to receive it or to administer the estate of the deceased, or

(*b*) if the deposit does not exceed one hundred rupees, any officer employed in the management of a Government Savings Bank, who is empowered in this behalf by a general or special order of the Governor General in Council, may, subject to any general or special orders of the Secretary in this behalf, pay the deposit to any person appearing to him to be entitled to receive it or to administer the estate."

Amendment of sections 6 and 7, Act V of 1873.

4. In sections 6 and 7 of the said Act, after the words " Secretary of any such Bank " the words " or any officer empowered under section 4 " shall be inserted.

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ACT No. XVII OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 16th March, 1923.)

An Act to amend section 29 of the Prisoners Act, 1900.

III of 1900. WHEREAS it is expedient to amend section 29 of the Prisoners Act, 1900; It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Prisoners (Amendment) Act, 1923.

III of 1900. **2.** In section 29 of the Prisoners Act, 1900,—

(*a*) to sub-section (*1*) after the words " British India " the words " or to any prison in Berar " shall be added; and

(*b*) to sub-section (*2*) the following words shall be added, namely:—

" or, in the case of a prisoner so confined in a prison in the Central Provinces, for his removal to any other prison in the Province or to any prison in Berar ".

[*Price one anna.*]

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ACT No. XIX OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 2nd April, 1923.)

An Act to consolidate and amend the law in British India relating to official secrets.

WHEREAS the law in British India relating to official secrets is at present contained in two Acts of the Governor General in Council, namely, the Indian Official Secrets Act, 1889, and the Indian Official Secrets (Amendment) Act, 1904, and one Statute of Parliament, namely, the Official Secrets Act, 1911; and

XV of 1889.
V of 1904.
1 & 2 Geo. V, c. 28.

WHEREAS the Official Secrets Act, 1911, has been amended by the Official Secrets Act, 1920, which Statute applies to the United Kingdom and to certain British possessions, but not to British India; and

1 & 2 Geo. V, c. 28.
10 & 11 Geo. V, c. 75.

WHEREAS it is expedient that the law relating to official secrets in British India should be consolidated and amended;

It is hereby enacted as follows :—

1. (*1*) This Act may be called the Indian Official Secrets Act, 1923. **Short title, extent and application.**

(*2*) It extends to the whole of British India, and applies also—

(*a*) to all subjects of His Majesty and servants of the Crown within the dominions of Princes and States in India in alliance with His Majesty; and

(*b*) to all Indian subjects of His Majesty without and beyond British India.

2. In

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Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) any reference to a place belonging to His Majesty includes a place occupied by any department of the Government, whether the place is or is not actually vested in His Majesty;

(*2*) expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part, and whether the sketch, plan, model, article, note, document, or information itself or the substance, effect or description thereof only be communicated or received; expressions referring to obtaining or retaining any sketch, plan, model, article, note or document, include the copying or causing to be copied of the whole or any part of any sketch, plan, model, article, note, or document; and expressions referring to the communication of any sketch, plan, model, article, note or document include the transfer or transmission of the sketch, plan, model, article, note or document;

(*3*) "document" includes part of a document;

(*4*) "model" includes design, pattern and specimen;

(*5*) "munitions of war" includes the whole or any part of any ship, submarine, aircraft, tank or similar engine, arms and ammunition, torpedo, or mine intended or adapted for use in war, and any other article, material, or device, whether actual or proposed, intended for such use;

(*6*) "Office under His Majesty" includes any office or employment in or under any department of the Government or of the Government

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Government of the United Kingdom or of any British possession;

(7) "photograph" includes an undeveloped film or plate;

(8) "prohibited place" means—

(*a*) any work of defence, arsenal, naval, military or air force establishment or station, mine, minefield, camp, ship or aircraft belonging to, or occupied by or on behalf of, His Majesty, any military telegraph or telephone so belonging or occupied, any wireless or signal station or office so belonging or occupied and any factory, dockyard or other place so belonging or occupied and used for the purpose of building, repairing, making or storing any munitions of war, or any sketches, plans, models or documents relating thereto, or for the purpose of getting any metals, oil or minerals of use in time of war;

(*b*) any place not belonging to His Majesty where any munitions of war or any sketches, models, plans or documents relating thereto, are being made, repaired, gotten or stored under contract with, or with any person on behalf of, His Majesty, or otherwise on behalf of His Majesty;

(*c*) any place belonging to or used for the purpose of His Majesty which is for the time being declared by the Governor General in Council, by notification in the Gazette of India, to be a prohibited place for the purposes of this Act on the ground that information with respect thereto, or damage thereto, would be useful to an

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an enemy, and to which a copy of the notification in respect thereof has been affixed in English and in the vernacular of the locality;

(*d*) any railway, road, way or channel, or other means of communication by land or water (including any works or structures being part thereof or connected therewith) or any place used for gas, water or electricity works or other works for purposes of a public character, or any place where any munitions of war or any sketches, models, plans, or documents relating thereto, are being made, repaired, or stored otherwise than on behalf of His Majesty, which is for the time being declared by the Governor General in Council, by notification in the Gazette of India, to be a prohibited place for the purposes of this Act on the ground that information with respect thereto, or the destruction or obstruction thereof, or interference therewith, would be useful to an enemy, and to which a copy of the notification in respect thereof has been affixed in English and in the vernacular of the locality;

(*9*) " sketch " includes any photograph or other mode of representing any place or thing; and

(*10*) " Superintendent of Police " includes any police officer of a like or superior rank, and any person upon whom the powers of a Superintendent of Police are for the purposes of this Act conferred by the Governor General in Council or by any Local Government.

3. (*1*) If

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Penalties for spying.

3. (*1*) If any person for any purpose prejudicial to the safety or interests of the State—

(*a*) approaches, inspects, passes over or is in the vicinity of, or enters, any prohibited place; or

(*b*) makes any sketch, plan, model, or note which is calculated to be or might be or is intended to be, directly or indirectly, useful to an enemy; or

(*c*) obtains, collects, records or publishes or communicates to any other person any secret official code or pass word, or any sketch, plan, model, article or note or other document or information which is calculated to be or might be or is intended to be, directly or indirectly, useful to an enemy;

he shall be punishable with imprisonment for a term which may extend, where the offence is committed in relation to any work of defence, arsenal, naval, military or air force establishment or station, mine, minefield, factory, dockyard, camp, ship or aircraft or otherwise in relation to the naval, military or air force affairs of His Majesty or in relation to any secret official code, to fourteen years and in other cases to three years.

(*2*) On a prosecution for an offence punishable under this section with imprisonment for a term which may extend to fourteen years, it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case or his conduct or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State; and if any sketch, plan, model, article, note, document, or information relating to or used in any prohibited place, or relating to anything in such a place, or any secret official code or pass word is made, obtained,

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obtained, collected, recorded, published or communicated by any person other than a person acting under lawful authority, and from the circumstances of the case or his conduct or his known character as proved it appears that his purpose was a purpose prejudicial to the safety or interests of the State such sketch, plan, model, article, note, document or information shall be presumed to have been made, obtained, collected, recorded, published or communicated for a purpose prejudicial to the safety or interests of the State.

Communications with foreign agents to be evidence of commission of certain offences.

4. (*1*) In any proceedings against a person for an offence under section 3, the fact that he has been in communication with, or attempted to communicate with, a foreign agent, whether within or without British India, shall be relevant for the purpose of proving that he has, for a purpose prejudicial to the safety or interests of the State, obtained or attempted to obtain information which is calculated to be or might be, or is intended to be, directly or indirectly, useful to an enemy.

(*2*) For the purpose of this section, but without prejudice to the generality of the foregoing provision,—

(*a*) a person may be presumed to have been in communication with a foreign agent if—

(*i*) he has, either within or without British India, visited the address of a foreign agent or consorted or associated with a foreign agent, or

(*ii*) either within or without British India, the name or address of, or any other information regarding, a foreign agent has been found in his possession, or has been obtained by him from any other person;

(*b*) the expression "foreign agent" includes any person who is or has been or in respect of whom it appears that there are reasonable grounds for suspecting him

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him of being or having been employed by a foreign power, either directly or indirectly, for the purpose of committing an act, either within or without British India, prejudicial to the safety or interests of the State, or who has or is reasonably suspected of having, either within or without British India, committed, or attempted to commit, such an act in the interests of a foreign power;

(*c*) any address, whether within or without British India, in respect of which it appears that there are reasonable grounds for suspecting it of being an address used for the receipt of communications intended for a foreign agent, or any address at which a foreign agent resides, or to which he resorts for the purpose of giving or receiving communications, or at which he carries on any business, may be presumed to be the address of a foreign agent, and communications addressed to such an address to be communications with a foreign agent.

Wrongful communication, etc., of information.

5. (*1*) If any person having in his possession of control any secret official code or pass word or any sketch, plan, model, article, note, document or information which relates to or is used in a prohibited place or relates to anything in such a place, or which has been made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under His Majesty, or which he has obtained or to which he has had access owing to his position as a person who holds or has held office under His Majesty, or as a person who holds or has held a contract made on behalf of His Majesty, or as a person who is or has been employed under a person who holds or has held such an office or contract—

(*a*) wilfully communicates the code or pass word, sketch, plan, model, article, note, document

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document or information to any person other than a person to whom he is authorised to communicate it, or a Court of Justice or a person to whom it is, in the interests of the State, his duty to communicate it; or

(*b*) uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety of the State; or

(*c*) retains the sketch, plan, model, article, note or document in his possession or control when he has no right to retain it, or when it is contrary to his duty to retain it, or wilfully fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or

(*d*) fails to take reasonable care of, or so conducts himself as to endanger the safety of, the sketch, plan, model, article, note, document, secret official code or pass word or information;

he shall be guilty of an offence under this section.

(*2*) If any person voluntarily receives any secret official code or pass word or any sketch, plan, model, article, note, document or information knowing or having reasonable ground to believe, at the time when he receives it, that the code, pass word, sketch, plan, model, article, note, document or information is communicated in contravention of this Act, he shall be guilty of an offence under this section.

(*3*) If any person having in his possession or control any sketch, plan, model, article, note, document or information, which relates to munitions of war, communicates it, directly or indirectly, to any foreign power or in any other manner prejudicial to the safety or interests of the State, he shall be guilty of an offence under this section.

(*4*) A person guilty of an offence under this section shall be punishable with imprisonment for a term

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term which may extend to two years, or with fine, or with both.

Unauthorised use of uniforms; falsification of reports, forgery, personation, and false documents.

6. (*1*) If any person for the purpose of gaining admission or of assisting any other person to gain admission to a prohibited place or for any other purpose prejudicial to the safety of the State—

(*a*) uses or wears, without lawful authority, any naval, military, air force, police or other official uniform, or any uniform so nearly resembling the same as to be calculated to deceive, or falsely represents himself to be a person who is or has been entitled to use or wear any such uniform; or

(*b*) orally, or in writing in any declaration or application, or in any document signed by him or on his behalf, knowingly makes or connives at the making of any false statement or any omission; or

(*c*) forges, alters, or tampers with any passport or any naval, military, air force, police, or official pass, permit, certificate, licence, or other document of a similar character (hereinafter in this section referred to as an official document) or knowingly uses or has in his possession any such forged, altered, or irregular official document; or

(*d*) personates, or falsely represents himself to be, a person holding, or in the employment of a person holding, office under His Majesty, or to be or not to be a person to whom an official document or secret official code or pass word has been duly issued or communicated, or with intent to obtain an official document, secret official code or pass word, whether for himself or any other person, knowingly makes any false statement; or

(*e*) uses, or has in his possession or under his control, without the authority of the department

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department of the Government or the authority concerned, any die, seal or stamp of or belonging to, or used, made or provided by, any department of the Government, or by any diplomatic, naval, military, or air force authority appointed by or acting under the authority of His Majesty, or any die, seal or stamp so nearly resembling any such die, seal or stamp as to be calculated to deceive, or counterfeits any such die, seal or stamp, or knowingly uses, or has in his possession or under his control, any such counterfeited die, seal or stamp;

he shall be guilty of an offence under this section.

(2) If any person for any purpose prejudicial to the safety of the State—

(*a*) retains any official document, whether or not completed or issued for use, when he has no right to retain it, or when it is contrary to his duty to retain it, or wilfully fails to comply with any directions issued by any department of the Government or any person authorised by such department with regard to the return or disposal thereof; or

(*b*) allows any other person to have possession of any official document issued for his use alone, or communicates any secret official code or pass word so issued, or, without lawful authority or excuse, has in his possession any official document or secret official code or pass word issued for the use of some person other than himself, or, on obtaining possession of any official document by finding or otherwise, wilfully fails to restore it to the person or authority by whom or for whose use it was issued, or to a police officer; or

(*c*) without

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(*c*) without lawful authority or excuse, manufactures or sells, or has in his possession for sale, any such die, seal or stamp as aforesaid;

he shall be guilty of an offence under this section.

(*3*) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(*4*) The provisions of sub-section (*2*) of section 3 shall apply, for the purpose of proving a purpose prejudicial to the safety of the State, to any prosecution for an offence under this section relating to the naval, military or air force affairs of His Majesty, or to any secret official code in like manner as they apply, for the purpose of proving a purpose prejudicial to the safety or interests of the State to prosecutions for offences punishable under that section with imprisonment for a term which may extend to fourteen years.

Interfering with officers of the police or members of His Majesty's forces.

7. (*1*) No person in the vicinity of any prohibited place shall obstruct, knowingly mislead or otherwise interfere with or impede, any police officer, or any member of His Majesty's forces engaged on guard, sentry, patrol, or other similar duty in relation to the prohibited place.

(*2*) If any person acts in contravention of the provisions of this section, he shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

Duty of giving information as to commission of offences.

8. (*1*) It shall be the duty of every person to give on demand to a Superintendent of Police, or other police officer not below the rank of Inspector, empowered by an Inspector-General or Commissioner of Police in this behalf, or to any member of His Majesty's forces engaged on guard, sentry, patrol or other similar duty, any information in his power relating to an offence or suspected offence under section 3 or under section 3 read with section 9 and, if so required, and upon tender of his reasonable

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reasonable expenses, to attend at such reasonable time and place as may be specified for the purpose of furnishing such information.

(*2*) If any person fails to give any such information or to attend as aforesaid, he shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

Attempts, incitements, etc.

9. Any person who attempts to commit or abets the commission of an offence under this Act shall be punishable with the same punishment, and be liable to be proceeded against in the same manner as if he had committed such offence.

Penalty for harbouring spies.

10. (*1*) If any person knowingly harbours any person whom he knows or has reasonable grounds for supposing to be a person who is about to commit or who has committed an offence under section 3 or under section 3 read with section 9 or knowingly permits to meet or assemble in any premises in his occupation or under his control any such persons, he shall be guilty of an offence under this section.

(*2*) It shall be the duty of every person having harboured any such person as aforesaid, or permitted to meet or assemble in any premises in his occupation or under his control any such persons as aforesaid, to give on demand to a Superintendent of Police or other police officer not below the rank of Inspector empowered by an Inspector-General or Commissioner of Police in this behalf, any information in his power relating to any such person or persons, and if any person fails to give any such information, he shall be guilty of an offence under this section.

(*3*) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Search warrants.

11. (*1*) If a Presidency Magistrate, Magistrate of the first class or Sub-divisional Magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence under

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under this Act has been or is about to be committed, he may grant a search-warrant authorising any police officer named therein, not being below the rank of an officer in charge of a police station, to enter at any time any premises or place named in the warrant, if necessary, by force, and to search the premises or place and every person found therein, and to seize any sketch, plan, model, article, note or document, or anything of a like nature, or anything which is evidence of an offence under this Act having been or being about to be committed which he may find on the premises or place or any such person, and with regard to or in connection with which he has reasonable ground for suspecting that an offence under this Act has been or is about to be committed.

(*2*) Where it appears to a police officer, not being below the rank of Superintendent, that the case is one of great emergency, and that in the interests of the State immediate action is necessary, he may by a written order under his hand give to any police officer the like authority as may be given by the warrant of a Magistrate under this section.

(*3*) Where action has been taken by a police officer under sub-section (*2*) he shall, as soon as may be, report such action, in a Presidency town to the Chief Presidency Magistrate, and outside such town to the District or Sub-divisional Magistrate.

Power to arrest.

12. Notwithstanding anything in the Code of Criminal Procedure, 1898,— V of 1898.

(*a*) an offence punishable under section 3 or under section 3 read with section 9 with imprisonment for a term which may extend to fourteen years shall be a cognizable and non-bailable offence;

(*b*) an offence under clause (*a*) of sub-section (*1*) of section 6 shall be a cognizable and bailable offence; and

(*c*) every

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(*c*) every other offence under this Act shall be a non-cognizable and bailable offence, in respect of which a warrant of arrest shall ordinarily issue in the first instance.

Restriction on trial of offences.

13. (*1*) No Court (other than that of a Magistrate of the first class specially empowered in this behalf by the Local Government) which is inferior to that of a District or Presidency Magistrate shall try any offence under this Act.

(*2*) If any person under trial before a Magistrate for an offence under this Act at any time before a charge is framed claims to be tried by the Court of Session, the Magistrate shall, if he does not discharge the accused, commit the case for trial by that Court, notwithstanding that it is not a case exclusively triable by that Court.

(*3*) No Court shall take cognizance of any offence under this Act unless upon complaint made by order of, or under authority from, the Governor General in Council, the Local Government, or some officer empowered by the Governor General in Council in this behalf:

Provided that a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that such complaint has not been made, but no further or other proceedings shall be taken until such complaint has been made.

(*4*) For the purposes of the trial of a person for an offence under this Act, the offence may be deemed to have been committed either at the place in which the same actually was committed or at any place in British India in which the offender may be found.

Exclusion of public from proceedings.

14. In addition and without prejudice to any powers which a Court may possess to order the exclusion of the public from any proceedings if, in the course of proceedings before a Court against any person for an offence under this Act or the proceedings on

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on appeal, or in the course of the trial of a person under this Act, application is made by the prosecution, on the ground that the publication of any evidence to be given or of any statement to be made in the course of the proceedings would be prejudicial to the safety of the State, that all or any portion of the public shall be excluded during any part of the hearing, the Court may make an order to that effect, but the passing of sentence shall in any case take place in public.

Offences by companies, etc.

15. Where the person guilty of an offence under this Act is a company or corporation, every director and officer of the company or corporation with whose knowledge and consent the offence was committed shall be guilty of the like offence.

Repeals.

XV of 1889. V of 1904.

16. The Indian Official Secrets Act, 1889, and the Indian Official Secrets (Amendment) Act, 1904, are hereby repealed.

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ACT No. XX OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 2nd April, 1923.)

An Act to give effect to certain Articles of the International Convention for the suppression of the traffic in women and children.

WHEREAS it is expedient further to amend the Indian Penal Code in order to give effect to the International Convention for the suppression of the traffic in women and children signed at Geneva on behalf of the Governor General in Council on the twenty-eighth day of March, 1922; It is hereby enacted as follows :—

Short title and commencement

1. (*1*) This Act may be called the Indian Penal Code (Amendment) Act, 1923.

(*2*) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

Amendment of section 366, Act XLV of 1860.

2. To section 366 of the said Code the following paragraph shall be added, namely :—

" and whoever, by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid."

Insertion of new sections 366A and 366B in Act XLV of 1860.

3. After section 366 of the said Code the following sections shall be inserted, namely :—

Procuration of minor girl.

" 366A. Whoever, by any means whatsoever, induces any minor girl under the age of eighteen

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eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.

Importation of girl from foreign country.

366B. Whoever imports into British India from any country outside India any girl under the age of twenty-one years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person,

and whoever with such intent or knowledge imports into British India from any State in India any such girl who has with the like intent or knowledge been imported into India, whether by himself or by another person,

shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine."

Amendment of Schedule II, Code of Criminal Procedure, 1898.

4. In the Second Schedule to the Code of Criminal Procedure, 1898, after the entry relating to section 366 of the Indian Penal Code the following entries shall be inserted, namely :— V of 1898.

"366A	Procuration of minor girl.	May arrest without warrant.	Warrant	Not bailable.	Not compoundable.	Imprisonment of either description for ten years and fine.	Court of Session.
366B	Importation of girl from foreign country.	May arrest without warrant.	Warrant	Not bailable.	Not compoundable.	Imprisonment of either description for ten years and fine.	Court of Session."

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ACT No. XXII OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 2nd April, 1923.)

An Act to declare the law in force in certain territories of the district of Sambalpur and to provide that the past administration of those territories shall not be called in question on the ground that they were not included in the territories administered by the Government of the Central Provinces.

WHEREAS by Proclamation published under Notification No. 2833, dated the first day of September, 1905, the Governor General in Council was pleased to declare and appoint that, with effect from the sixteenth day of October, 1905, the district of Sambalpur (except the Chandarpur-Padampur Zamindari and the Phuljhar Zamindari) which then formed part of the Central Provinces, should cease to form part of those Provinces and should be included within the limits of the Bengal Division of the Presidency of Fort William; and

WHEREAS by Proclamation published under Notification No. 289, dated the twenty-second day of March, 1912, the Governor General in Council, with the sanction of His Majesty, was pleased to constitute certain territories, including the said district of Sambalpur, a province under the name of the Province of Bihar and Orissa; and

WHEREAS it has appeared that by the above mentioned Proclamations certain territories were included within the Presidency of Fort William in Bengal and thereafter within the Province of Bihar and Orissa which territories have nevertheless continued to be administered in all respects as if they had continued to be included in the Central Provinces; and

WHEREAS

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WHEREAS the Governor General in Council has, by Notification No. F.-950 (Public), dated the eighth day of March, 1923, and made under section 60 of the Government of India Act with the approval of the Secretary of State for India in Council, been pleased to declare and appoint that the said territories shall again be included in the Central Provinces; and

WHEREAS it is expedient to declare the law which shall be applicable to the said territories and to provide that nothing done by any authority, executive or judicial, in, for or in relation to the said territories since the sixteenth day of October, 1905, shall be brought in question on the ground that the said territories did not form part of the Central Provinces; and to transfer the said territories from the jurisdiction of the High Court of Judicature at Patna to the jurisdiction of the Court of the Judicial Commissioner of the Central Provinces; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Malkharoda and Gaontia Villages Laws Act, 1923.

Declaration of law in force in the said territories.

2. Notwithstanding anything contained in the Bengal, Bihar and Orissa and Assam Laws Act, 1912, the territories specified in the Schedule (hereinafter referred to as the said territories) shall not be deemed to be included within the Province of Bihar and Orissa and nothing in that Act shall be deemed to be applicable to the said territories; but all enactments made by any authority in British India, and all notifications, orders, schemes, rules, forms and bye-laws issued, made or prescribed under such enactments, which immediately before the commencement of this Act were in force in the Central Provinces and would have been in force in the said territories if they had been part of the Bilaspur district of the Central Provinces shall be in force in the said territories. VII of 1912.

Transference of said territories to the jurisdiction of the Court of Judicial Commissioner.

3. On and from the commencement of this Act, the High Court of Judicature at Patna shall cease to exercise within the said territories the jurisdiction and powers which the said High Court exercises from

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from time to time within the limits of the places for which the said High Court was established; and the said territories are hereby declared for all the purposes of the Central Provinces Courts Act, 1917, to form part of the territories to which that Act extends. Central Provinces.

C. P. Act I of 1917.

4. No suit or other legal proceeding whatsoever, whether civil or criminal, shall lie against any officer of the Government or against any person acting under the orders of any such officer for or on account of or in respect of any act, matter or thing ordered or done in or in relation to the said territories on the ground that the said territories were not, at the time at which such act, matter or thing was so ordered or done, included in the Central Provinces or that the law in force in the said territories was not at such time the law in force in the said Provinces, but was the law in force in the Sambalpur district of the Bengal Division of the Presidency of Fort William in Bengal or in the Sambalpur District of the Province of Bihar and Orissa. Indemnity.

5. No Court or authority, whether civil, criminal or revenue shall entertain any suit, claim, appeal or application whatsoever for the re-trial of any suit or case tried by any Court in the Central Provinces, or shall reverse, annul, amend, declare invalid, or refuse to give effect to, anything done by any such Court or by any authority whatsoever established in the Central Provinces, or shall annul, amend, declare invalid, or refuse to give effect to, any notification, order, rule, bye-law, instrument or document whatsoever, merely on the ground that at the time at which such suit or case was tried, or such thing was done, or such notification, order, rule, bye-law, instrument or document was issued, made or executed, the said territories were not included in the Central Provinces or that the law in the said territories was not at such time the law for the time being in force in the Central Provinces, but was the law for the time being in force in the Sambalpur district of the Bengal Division of the Presidency of Fort William in Bengal or in the Sambalpur district of the Province of Bihar and Orissa. Validity of decrees, etc.

THE SCHEDULE.

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THE SCHEDULE.

(SEE SECTION 2.)

Malkharoda Jagir.

Serial Number.	Name of Village.	Settlement Number.	Patwari Circle.	Total area of the village in acres.
1	Ameradih	1190	262	402·80
2	Kurda	1278	261	1376·39
3	Kurdi	1279	261	323·65
4	Kalmi	1249	263	1041·14
5	Charpara	1392	263	639·77
6	Chhapora	1418	261	1385·13
7	Dongridhi	1479	261	335·87
8	Nuagaon	1553	262	832·88
9	Pirdha	1606	261	1469·92
10	Pihirid	1608	262	1776·70
11	Bardhata	1663	261	244·90
12	Birbhata	1687	263	362·73
13	Bhatora	1722	262	830·96
14	Mohtara	1797	262	809·21
15	Malkharoda	1770	263	1445·48
16	Mukta	1776	263	901·72
17	Sipat (Bad)	1872	261	1871·96
18	Sipat (San)	1873	262	618·53
19	Sarasdol	1866	262	581·78
20	Senduras	1893	262	1364·35
	TOTAL	...	...	18315·87

Gaontia Villages.

Serial Number.	Name of Village.	Settlement Number.	Patwari Circle.	Total area of the village in acres.
1	Kuhakunda	1287	284	616·57
2	Chharra	1419	278	665·85
3	Jogni	1441	287	701·09
4	Thakurpali	1466	287	149·48
5	Panchpurgia	1570	287	38·27
6	Panchpurgia	1571	282	24·10
7	Brahmapura	1664	285	63·41
8	Badimal	1675	284	1233·92
9	Mahadebpali	1761	280	205·58
	TOTAL	...	...	3698·27

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ACT No. XXIII OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(*Received the assent of the Governor General on the 2nd April, 1923.*)

An Act for the removal of doubts regarding the right of women to be enrolled and to practise as legal practitioners.

WHEREAS it is expedient to remove certain doubts which have arisen as to the right of women to be enrolled and to practise as legal practitioners; It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Legal Practitioners (Women) Act, 1923.

(*2*) It extends to the whole of British India, including British Baluchistan and the Santhal Parganas.

Definition.

2. In this Act, "legal practitioner" means a legal practitioner as defined in section 3 of the Legal Practitioners Act, 1879.

XVIII of 1879.

Women not to be disqualified by reason only of sex.

3. Notwithstanding anything contained in any enactment in force in British India or in the letters patent of any High Court or in any rule or order made under or in pursuance of any such enactment or letters patent, no woman shall, by reason only of her sex, be disqualified from being admitted or enrolled as a legal practitioner or from practising as such; and any such rule or order which is repugnant to the provisions of this Act shall, to the extent of such repugnancy, be void.

[*Price one anna.*]

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ACT No. XXIV OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 19th July, 1923.)

An Act to provide for the forfeiture of the estates and other property of Mahendra Partab Singh and for their grant to his son, subject to certain conditions.

WHEREAS Mahendra Partab Singh, formerly a resident of Hathras in the District of Aligarh in the United Provinces, son of the late Raja Ghansham Singh Bahadur and adopted son of the late Raja Har Narayan Singh, did treasonably ally himself with and assist His Majesty's enemies in the late war and is now a fugitive from justice; and

WHEREAS the estates of the said Mahendra Partab Singh have been and are now attached under the provisions of the Bengal State Prisoners Regulation, 1818; and

III of 1818.

WHEREAS the said Mahendra Partab Singh was, at the date of the attachment, possessed of certain moveable property and other such property has been acquired since the said attachment; and

WHEREAS it is expedient for the purpose of the proper administration of the said estates and property and for preventing the use of the same or the income thereof in a manner prejudicial to the safety and good government of British India that all the right, title, interest, claim and demand of the said Mahendra Partab Singh in the said estates and property should be forfeited and thereafter be transferred to his son, Prem Partab Singh, subject nevertheless to certain conditions; It is hereby enacted as follows :—

1. This Act may be called the Mahendra Partab Singh Estates Act, 1923.

Short title

2. With

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Forfeiture of the property of Mahendra Partab Singh.

2. With effect from the commencement of this Act, the whole of the estate, right, title, interest, claim and demand whatsoever of the said Mahendra Partab Singh in, to or upon the property specified in the Schedule and in, to or upon any other immoveable or moveable property of whatever description in British India, and in, to or upon all liberties, privileges, benefits, easements and appurtenances whatsoever belonging or in anywise appertaining thereto or usually held or enjoyed therewith (all which estate, right, title, interest, claim and demand is hereinafter referred to as the property) shall absolutely cease and be extinguished, and thereupon the property shall become vested in His Majesty.

Grant of the property to son of late owner.

3. The Governor General in Council, as soon as may be after the commencement of this Act, shall grant the property to Prem Partab Singh, son of the said Mahendra Partab Singh, subject to such provisions, restrictions, conditions and limitations over as he may think fit.

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THE SCHEDULE.

(See section 2.)

PART I.

IMMOVEABLE PROPERTY.

A.—Muttra District.

Serial No.	Description of property.	Area or extent.	Revenue and cess.	Tahsil.
			Rs. A. P.	
1	Ojhani	Whole	1,320 0 0	Chhata.
2	Jatwari	17½ Biswas	2,037 0 0	,,
3	Hussaini	Whole	2,456 0 0	,,
4	Karhari	,,	700 0 0	,,
5	Khursi	,,	495 0 0	,,
6	Rampur	,,	890 0 0	,,
7	Majhoi	,,	1,000 0 0	,,
8	Basai (Shergarh)	,,	534 0 0	,,

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THE SCHEDULE—*contd.*

B.—Aligarh District.

Serial No.	Description of property.	Area or extent.	Revenue and cess.	Tahsil.
		Big. Bis. Bisi.	Rs. A. P.	
1	Qasba Koil property—			
	(*a*) Patti Khalsa	1,073 13 17	1,291 7 11	Koil.
	(*b*) Miscellaneous property	1 4 2	0 5 10	,,
	(*c*) Patti Muafi Munzabta	31 7 7	84 10 0	,,
	(*d*) Patti for Dargah expenses	0 8 0	Revenue free— The cesses are— (*d*) 0 2 5	
	(*e*) Muafi Kam-az-dah bigha	0 2 19 and 10 Kachwansis.	(*e*) 0 0 11	,,
			(*f*) 1 6 5	
			(*g*) *Nil.*	
	(*f*) Patti Muafi Dawam	4 15 0		
	(*g*) Block No. 16	7 3 0	Rent roll . 24 0 0	,,
	(*h*) Chawni Dayaram Mazra Mauza Gambhirpura .	51 5 0	12 4 10	,,

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2	Tochigarh Mohal Ghairkhwastgaran (Muafi)			83	4	0	Cess	12	0	0	Iglas.
3	Patti Sanwant (Whole village)			384	17	0	Rent roll	1,260	8	0	Hathras.
							Revenue	580	0	0	
							Cesses	58	0	0	
4	Sokhana			25	12	0	„	5	8	0	„
5	Garhi Kandhari			16	11	0	„	2	6	4	„
6	Bala Patti Sheikh Jafar			9	9	0	„	4	5	2	„
7	Garhi Garab		(Muafi)	4	3	0	„	0	5	5	„
8	Garden in Qasba Hathras situated in different mahals as below :—										
	(*a*) Mahal 15 biswa			124	13	0	„	15	14	5	„
	(*b*) Mahal 5 biswa			65	5	0	„	13	4	5	„
	(*c*) Mahal 5 biswa (mortgagor rights)			10	19	16	„	32	2	4	„

NATIONAL ARCHIVES OF INDIA

THE SCHEDULE—*contd.*

C.—Koil Municipality.

Serial No.	Municipal number (if any) and description of property.	Situation.	Boundaries of shops.			
			North.	South.	East.	West.
1	Shop . . . 60	Under school . .	Shop of Kunwar Mahendra Pratab Singh.	Door and Road . .	Shop of Municipal boundary.	Shop of Kunwar Sahib.
2	Do. . . . 61	Ditto . .	School building . .	Ditto . .	Shop of Kunwar Sahib .	Ditto.
3	Do. . . . 62	Ditto . .	Ditto . .	Ditto . .	Ditto .	Ditto.
4	Do. . . . 63	Ditto . .	Ditto . .	Ditto . .	Ditto .	Ditto.
5	Do. . . . 64	Ditto . .	Ditto . .	Ditto . .	Ditto .	Ditto.
6	Do.	Ditto . .	Ditto . .	Ditto . .	Ditto .	Ditto.
7	Do. . . . 65	Ditto . .	Ditto . .	Ditto . .	Ditto .	Ditto.
8	Do. . . . 66	Ditto . .	Ditto . .	Ditto . .	Ditto .	Ditto.
9	Do. . . . 67	Ditto . .	Ditto . .	Ditto . .	Ditto .	Ditto.
10	Do. . . . 68	Ditto . .	Ditto . .	Ditto . .	Ditto .	Ditto.
11	Do. . . . 69	Ditto . .	Ditto . .	Ditto . .	Ditto .	Ditto.
12	Do. . . . 70	Ditto . .	Ditto . .	Ditto . .	Ditto .	Shop of Bansi Dhar.
13	Do. . . . 41	Ditto . .	Door and Road . .	School building . .	Shop of Municipal boundary.	Shop of Kunwar Sahib.
14	Do. . . . 40	Ditto . .	Ditto . .	Ditto . .	Shop of Kunwar Sahib .	Ditto.
15	Do . . . 39	]	Ditto . .	Ditto . .	Ditto .	Ditto.

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16	Do. . . . 38	Ditto . .	Ditto .	Ditto . .	Ditto .	Ditto.
17	Do. . . . 37	Ditto . .	Ditto . .	Ditto . .	Ditto .	Ditto.
18	Do. . . . 36	Ditto . .	Ditto . .	Ditto . .	Ditto .	Ditto.
19	Do. . . . 35	Ditto . .	Ditto . .	Ditto . .	Ditto .	Ditto.
20	Do. . . . 34	Ditto . .	Ditto . .	Ditto . .	Ditto .	Ditto.
21	Do. . . . 33	Ditto . .	Ditto . .	Ditto . .	Ditto .	Ditto.
22	Do. . . . 32	Ditto . .	Ditto . .	Ditto . .	Ditto .	Ditto.
23	Do. . . . 31	Ditto . .	Ditto . .	Ditto . .	Ditto .	Shop of Jugal Kishor.
24	Do. . . . 73	Bazar Pathar . .	Shop of Choba Mathura	Door and Road . .	Ditto .	Shop of Gobind Saran.
25	Do. . . . 72	Ditto. . .	Shop of Kanhai Lal .	Ditto . .	Shop of Bansi Dhar .	Shop of Kunwar Sahib.
26	Do. . . . 81	Bazar Kaserath . .	Shop of Pasratha . .	Ditto . .	Shop of Jeth Mal . .	Shop of Prashadi Lal.
27	Do. . . . 87	Ditto . .	Ditto . .	Ditto . .	Shop of Bansi . .	Shop of Sita Ram.
28	Do. . . . 96	Ditto . .	Ditto . .	Ditto . .	Shop of Babu Nathi Lal	Shop of Jagar Nath.
29	Do. . . . 84	Bazar Lohat. . .	Shop of Nand Kishore .	Shop of Basdeo . .	Shop of Basdeo . .	Door and Road.
30	Do. . . . 9	Mandi Rai . . .	Shop of Nathi Mal .	Shop of Mool Chand .	Door and Road . .	House.
31	Do. . . . 6	Ditto . . .	Shop of Kunwar Sahib .	Shop of Tara Chand .	Ditto . .	Ditto.
32	Do. . . . 5	Ditto . . .	Ditto .	Shop of Kunwar Sahib .	Ditto . .	Ditto.
33	Do. . . . 4	Ditto . . .	Ditto .	Ditto .	Ditto . .	Shop of Maidawala.
34	Do. . . . 3	Ditto . . .	Shop of Lachman Das .	Ditto .	Ditto . .	Ditto.
35	Do. . . 15	Zer Kotwali .	Kotwali . . .	Door and Road . .	Shop	Shop.
36	Do. . . .105	Najhai . . .	Door and Road . .	House of Kothiwala .	Shop of Lala Ram .	Shop of Kunwar Sahib.
37	Do. . . .104	Ditto . . .	Ditto . .	Ditto . .	Ditto . .	Ditto.
38	Do. . . .103	Ditto . . .	Ditto . .	Ditto . .	Shop of Kunwar Sahib .	Ditto.

NATIONAL ARCHIVES OF INDIA

THE SCHEDULE—*contd.*

C.—Koil Municipality—contd.

Serial No.	Municipal number (if any) and description of property.	Situation.	Boundaries of shops.			
			North.	South.	East.	West.
39	Shop . . .102	Najhai . . .	Door and Road . .	House of Kothiwala .	Shop of Kunwar Sahib .	Shop of Piare Lal.
40	Do. . . . 95	Ditto . . .	Ditto . .	House of Puran . .	Shop of Bhola Nath .	Shop of Kunwar Sahib.
41	Do. . . . 96	Ditto . . .	Ditto . .	Shop of Kunwar Sahib .	Ditto .	Ditto.
42	Do. . . . 95	Ditto . . .	Ditto . .	Ditto .	Ditto .	Ditto.
43	Do. . . . 94	Ditto . . .	Ditto . .	Ditto .	Ditto .	Shop of Mandir Saraogi.
44	Do. . . . 76	Ditto . . .	Ditto . .	Ditto .	Ditto .	Shop of Ramchand.
45	Do. . . . 77	Ditto . . .	Ditto . .	Siak Nagran . . .	Shop of Natha Ram .	Shop of Kunwar Sahib.
46	Do. . . . 23	Ditto . . .	Ditto . .	Ditto . .	Shop of Jagarnath .	Ditto.
47	Do. . . . 22	Ditto . . .	Shop of Halwaikhana .	Door and Road . .	Shop of Kunwar Sahib .	Shop of Chiranji Lal.
48	Do. . . . 20	Ditto . . .	Ditto .	Ditto . .	Shop of Gobind Ram .	Shop of Jagarnath.
49	Do. . . . 12	Ditto . . .	Ditto .	Ditto . .	Shop of Kunwar Sahib .	Shop of Radha Manohar.
50	Do. . . . 11	Ditto . . .	Ditto .	Ditto . .	Shop of Har Prasad .	Shop of Kunwar Sahib.
51	Do. . . .100	Halwaikhana . .	Shop of Kunwar Sahib .	Ditto . .	Door and Road . .	Shop of Munna Lal.
52	Do. . . . 1	Ditto . .	Shop of Piare Lal . .	Shop of Thakur Sahib .	Ditto . .	Ditto.
53	Do. . . . 84	Ditto . .	Door and Road . .	Well	Shop of Natha Lal .	Street.
54	Do. . . . 82	Ditto . .	Ditto . .	Shop of Najhai . .	Shop of Radha Ballabh.	Shop of Brahman.

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55	Do. . . .107	Sasni Darwaza . .	Shop of Kunwar Sahib .	Shop of Ganeshi . .	House of Thakura .	Door and Road.
56	Do. . . .106	Ditto . .	Ditto .	Ditto . .	Ditto .	Ditto.
57	Do. . . .105	Ditto . .	Ditto .	Ditto . .	House of Bijai Mal .	Ditto.
58	Do. . . .104	Ditto . .	Ditto .	Ditto . .	House	Ditto.
59	Do. . . . 43	Ditto . .	Road Bandarban . .	Ditto . .	Door and Road . .	House of Budhsen.
60	Do. . . . 44	Ditto . .	Shop of Kunwar Sahib .	Street Balakhana . .	Ditto . .	Ditto.
61	Do. . . .103	Ditto . .	Ditto .	Street	House of Natha . .	Door and Road.
62	Do. . . . 20	Gurhai . . .	Ditto .	Shop of Ramswarup] .	Door and Road . .	House of Natha Ram.
63	Do. . . . 32	Ditto . . .	Shop of Jaiswal . .	Shop of Nemi Mal] .	Ditto . .	Shop of Halwaikhana.
64	Do. . . . 30	Ditto . . .	Shop of Kunwar Sahib .	Shop of Ramswarup] .	Ditto . .	House of Thathera.
65	Do. . . . 19	Ditto . . .	Door and Balakhana .	Shop of Kunwar Sahib .	Ditto . .	Shop of Halwaikhana.
66	Do. . . . 69	Ditto . . .	Shop of Kunwar Sahib .	Shop	House of Phulchand .	Door and Road.
67	Do. . . . 68	Ditto . . .	Shop of Madan Lal .	Shop of Kunwar Sahib .	Ditto .	Ditto.
68	Do. . . . 66	Ditto . . .	Shop of Sunar . .	Shop of Gobindsaran .	Ditto .	Ditto.
69	Do. . . . 8	Pasratha . . .	Door and Road . .	Shop of Kaserath Bazar	Shop of Sannu Lal .	Shop of Kunwar Sahib.
70	Do. . . . 4	Ditto . . .	Ditto . .	Ditto .	Shop of Kunwar Sahib .	Shop of Ganeshi Lal.
71	Do. . . . 12	Ditto . . .	Ditto . .	Ditto .	Shop of Buddha . .	Shop of Angan Lal.
72	Do. . . . 51	Ditto . . .	House of Darbari Lal .	Door and Road . .	Shop of Kanhaiya Lal .	Shop of Kesodeo.
73	Do. . . . 63	Chauk Daulat Ram .	Door and Road . .	Temple of Ganeshi Lal .	Street	Shop of Lala Panna Lal.
74	Do. . . . 82	Bazar Chakki . .	Shop of Gillo Mal . .	Shop of Kunwar Sahib .	Kothi Ram Lal . .	Door and Road.
75	Do. . . . 83	Ditto . .	Shop of Kunwar Sahib .	Shop of Tika Ram .	Ditto . .	Ditto.
75 (*a*)	Do. . Balakhana	Gurhai . . .	Temple of Gangaji .	Shop of Ramsarup .	Door and Road . .	Shop of Tathera.
76	Do. . . . 3	Zer Kotwali . .	Door and Road . .	House of Bhojraj . .	Shop of Ganga Prasad .	Shop of Chhitar Mal.

NATIONAL ARCHIVES OF INDIA

THE SCHEDULE—*contd.*

C.—Koil Municipality—concld.

Serial No.	Municipal number (if any) and description of property.	Situation.	Boundaries of shops.			
			North.	South.	East.	West.
76 (*a*)	Shop . Balakhana	Najhai . . .	Street	Balakhana . . .	Door and Road . .	House of Buddha.
77	Do. . . . 40	Lohat . . .	Shop of Kunwar Sahib .	Shop of Moti Ram .	Ditto . .	Shop of Debi Sahae.
78	Do. . . . 39	Ditto . . .	Shop of Jamna Sahae .	Ditto .	Ditto . .	Shop of Rui-ki Mandi.
79	Madrasa . . .	Bazar Patthar . .	Bazar Pasratha . .	Bazar Patthar . .	Municipal Well . .	House of Dhanpat Rae.

D.—Koil Tahsil.

Serial No.	Municipal number (if any) and description of property.	Situation.	Boundaries.			
			North.	South.	East.	West.
1	Sarai of Labruiyan of 60 houses.	Mohalla Ghuriabagh .	Field of Haji Chand .	Field of Ganga Sahai .	Field of Haji Chand .	Public Road.
2	Sarai Intizam Ali of 13 houses.	Mohalla Madar Darwaza	Flour Mill of Tika Ram	House of Nannu Bhatiara.	Public Road . .	House of Khwaj Bakhsh Bhatiara.
3	Do. 1 house .	Ditto .	House of Tika Ram .	Ditto .	Ditto . .	Ditto.

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4	Do. 1 house .	Do. . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
5	Shop . . .	Sarai Intizam Ali . .	Sarai Intizam Ali . .	Road	Shop of Babu Lal . .	Shop of B. Panna Lal.
6	Do. . . .	Balae Kila . . .	House of Weavers .	Do.	Shop of Maula Dad Khan	Shop of Jahangir.
7	Ahata (enclosure) . .	Madar Darwaza . .	Flour Mill of Tika Ram	House of Nana Bhatiara	House of Khwaj Baksh .	Road.
8	Proprietary rights of the land on which public latrines are situated in Mohalla Khirni Darwaza.					
9	Proprietary rights of the house of Babu Maluk Chand in Mohalla Sarai Rahman.					
10	Proprietary rights of the land on which the workshop of *ant* is situated in Banna Debi.					

E.—Dehra Dun.

Serial No.	Name of mauza.	Pargana.	Khasra No.	Area in acres.	Name of houses.	Municipal No.	House rent yearly accruing.	Amount paid on account of		Municipal tax.	Boundaries.
								Land Revenue.	Rent.		
1	2	3	4	5	6	7	8	9	10	11	12
							Rs.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1	Karanpur khas	Western Dun .	158	2·47	Dilkhusha .	44 Rajpur Road, Dehra Dun.	1,080	16 6 9	..	..	North . Kothi Inverness. South . House of Mr. T. Grey. East . Canal. West . Mauza Salawala.
			159	·14							
			160	·16							
			161	·78							
			4	3·55							
2	Ditto .	Ditto .	157	2·24	Inverness .	43 Rajpur Road, Dehra Dun.	600	16 6 9	..	..	North . Church and Kothi Baya. South . Kothi Dilkhusha. East . Canal. West . Mauza Salawala.

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THE SCHEDULE—*contd.*

E.—Dehra Dun—contd.

Serial No.	Name of mauza.	Pargana.	Khasra No.	Area in acres.	Name of houses.	Municipal No.	House rent yearly accruing.	Amount paid on account of		Municipal tax.	Boundaries.
								Land Revenue.	Rent.		
1	2	3	4	5	6	7	8	9	10	11	12
							Rs.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
3	Karanpur khas	Western Dun .	147	·44	Daya or Parsonage.	42 Rajpur Road, Dehra Dun.	840	16 6 9	..	..	North . Kothi Dharma. South . Kothi Inverness. East . Church. West . Mauza Salawala.
			148	·03							
			149	·73							
			150	·08							
			151	·30							
			152	·03							
			6	1·61							
4	Ditto .	Ditto .	141	·03	Dharma or Church side.	41 Rajpur Road, Dehra Dun.	840	16 6 9	..	..	North . Footpath. South . Church. East . Canal. West . Mauza Salawala.
			142	·12							
			143	·11							
			144	1·04							
			145	·39							
			146	·02							
			254	·46							
			162	1·78							
			8	3·95							
5	Dhak patti .	Western Dun .	885	·23	Ellenborough Hotel, Rajpur	..	2,400	..	11 15 6	48 0 0	North . Chapman's hotel. South . Land belonging to Lala Mutsaddi Lal. East . Rizpana river.
			884	·16							
			887	·24							
			892	·05							
			893	·84							

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West : Rajpur road. Occupancy rights of the first 19 plots Nos. 885—907 and non-occupancy of the last seven numbers.									
							12	4	6
	898	·12							
	894	·02							
	897	·02							
	895	·04							
	896	·01							
	899	·02							
	900	·14							
	901	·01							
	902	·08							
	903	·02							
	904	·07							
	905	·01							
	906	·10							
	907	·31							
	19	2·49							
	883	·41							
	877	2·16							
	878	·02							
	879	·75							
	880	·01							
	881	·24							
	882	·03							
	7	3·62							

NATIONAL ARCHIVES OF INDIA

THE SCHEDULE—*concld.*

PART II.

MOVEABLE PROPERTY.

Serial No.	Nature of securities.	Face value.	Price paid.	Date of purchase.	In whose possession the securities, scripts, certificates, deeds, etc., are.
		Rs.	Rs. A. P.		
1	Post Office Cash Certificates payable on 27th September 1923, *viz.*—				
	Rs.				
	Nos. A.D.-008471 to A.D.-008480 for Rs. 500 each . . 5,000	6,450	4,998 12 0	27th September 1918 . .	Collector, Muttra.
	Nos. A.B.-005789 to A.B.-005790 for Rs. 500 each 1,000				
	$\frac{U}{U}$ 045222 to $\frac{U}{U}$ 045225 of Rs. 100 each 400				
	N.1725 50				
	6,450				
2	6 per cent. United Provinces Bonds, Nos. C-004640 to C-004648 for Rs. 1,000 each B.-000910 to B.-000912 for Rs. 500 each A.-004378 to A.-004379 for Rs. 100 each, dated the 15th November 1921.	10,700	9,951 0 0	18th October 1921 . . .	Collector, Muttra.
3	5 per cent. War Loan 1921—1947, No. 013192 .	7,350	10,973 0 0	15th August 1917 . . .	Collector, Aligarh.
4	Inscribed stock No. 742 of 5 per cent. War Loan 1929—1947	4,200		10th October 1917 . .	Public Debt Office.

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5	Inscribed stock No. 1751 of 5 per cent. War Loan, 1929—1947	1,500	..	10th April 1920 . . .	Ditto.
6	5½ per cent. War Bond, 1923	2,000	..	11th November 1920 . .	Assistant Accountant-General, Posts and Telegraphs, Calcutta. Safe custody receipt No. PDD/284, dated 14th October 1920.
7	6 per cent. United Provinces Bonds for Rs. 1,000 each, Nos. C.-004358 and C-004359 dated	2,000	1,860 0 0	15th November 1921 . .	Collector, Aligarh.
	Post Office Cash Certificates payable in 1924—	650	503 12 0	15th November 1919 . .	Collector, ditto.
	No. T.-037910 . . . Rs. 50				
	No. $\frac{Y}{Y}$.017967 . . . 100				
	No. A.B.-047074 . . . 500				
	650				
8	5½ per cent. War Loan 1929—1947, No. 018050 .	1,000	950 0 0	1917	Superintendent, Dehra Dun.
9	Post Office Cash Certificates payable on 12th September 1923—				
	1 of Rs. 10—No. $\frac{E.}{4}$09103 . .	1,930	1,496 0 0	12th September 1918 . .	Ditto.
	1 of Rs. 20—No. K.-030543. .. .				
	4 of Rs. 100 each Nos. $\frac{X}{X}$.-088192 to 088195				
	3 of Rs. 500 each Nos. A. D.-008368 to A.D.-008370.				

NATIONAL ARCHIVES OF INDIA

CALCUTTA
SUPERINTENDENT GOVERNMENT PRINTING, INDIA
8, HASTINGS STREET

NATIONAL ARCHIVES OF INDIA

ACT No. XXV OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 25th July, 1923.)

An Act to modify certain provisions of the Indenture confirmed by the Moorshedabad Act, 1891.

WHEREAS it is expedient to modify certain provisions of the Indenture confirmed by the Moorshedabad Act, 1891; It is hereby enacted as follows:—

XV of 1891.

1. This Act may be called the Moorshedabad (Amendment) Act, 1923. Short title.

2. The provisions of the Indenture set out in the Schedule to the Moorshedabad Act, 1891, which provide that the Nawab Bahadur of Moorshedabad shall not, nor shall any of his successors, sell, mortgage, devise or alienate certain properties referred to in the said Indenture respectively or any of them otherwise than by lease or demise for a term not exceeding twenty-one years and under a rent without bonus or salamee shall have effect as if for the words "for a term not exceeding twenty-one years and under a rent without bonus or salamee" the following words were substituted, namely:— Modification of Indenture.

XV of 1891.

> "the terms and conditions of which have been previously approved by the Governor of Bengal in Council":

Provided that nothing herein contained shall affect anything done, or any right or liability which has accrued or been incurred, under any such lease or demise before the commencement of this Act.

[*Price one anna.*]

NATIONAL ARCHIVES OF INDIA

NATIONAL ARCHIVES OF INDIA

ACT No. XXVI OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(*Received the assent of the Governor General on the 25th July, 1923.*)

An Act further to amend the Code of Civil Procedure, 1908, for certain purposes.

V of 1908. WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for certain purposes hereinafter appearing; It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Code of Civil Procedure (Amendment) Act, 1923.

Amendment of section 60, Act V of 1908. **2.** In clause (*i*) of sub-section (*1*) of section 60 of the Code of Civil Procedure, 1908, for the word "twenty", wherever it occurs, the word "forty", and for the word "forty" the word "eighty", shall be substituted.

V of 1908.

NATIONAL ARCHIVES OF INDIA

[*Price one anna.*]

NATIONAL ARCHIVES OF INDIA

ACT No. XXVII OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(*Received the assent of the Governor General on the 25th July, 1923.*)

An Act further to amend the Indian Income-tax Act, 1922, for certain purposes.

XI of 1922.

WHEREAS it is expedient further to amend the Indian Income-tax Act, 1922, for certain purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Income-tax (Further Amendment) Act, 1923.

Amendment of section 4, Act XI of 1922.

II of 1922.

2. In sub-section (*2*) of section 4 of the Indian Income-tax Act, 1922 (hereinafter referred to as the said Act), for the words " shall be deemed to be profits and gains of the year in which they are received or brought into British India," the following words shall be substituted, namely :—

" shall, if they are received in or brought into British India, be deemed to have accrued or arisen in British India and to be profits and gains of the year in which they are so received or brought."

Insertion of new Chapter VA in Act XI of 1922.

3. After Chapter V of the said Act the following Chapter shall be inserted, namely :—

" CHAPTER VA.

SPECIAL PROVISIONS RELATING TO CERTAIN CLASSES OF SHIPPING.

Liability to tax of occasional shipping.

44A. The provisions of this Chapter shall, notwithstanding anything contained in the other provisions of this Act, apply for the purpose of the levy and recovery of tax in the case of any person who resides out of British India and carries on business in British India in any year as the owner or charterer of a ship (such person hereinafter in this Chapter being referred to as the principal), unless the Income-tax Officer is satisfied that there is an

agent

1

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agent of such principal from whom the tax will be recoverable in the following year under the other provisions of this Act.

Return of profits and gains.

44B. (*1*) Before the departure from any port in British India of any ship in respect of which the provisions of this Chapter apply, the master of the ship shall prepare and furnish to the Income-tax Officer a return of the full amount paid or payable to the principal, or to any person on his behalf, on account of the carriage of all passengers, live-stock or goods shipped at that port since the last arrival of the ship thereat.

(*2*) On receipt of the return, the Income-tax Officer shall assess the amount referred to in sub-section (*1*), and for this purpose may call for such accounts or documents as he may require, and one-twentieth of the amount so assessed shall be deemed to be the amount of the profits and gains accruing to the principal on account of the carriage of the passengers, live-stock and goods shipped at the port.

(*3*) When the profits and gains have been assessed as aforesaid, the Income-tax Officer shall determine the sum payable as tax thereon at the rate for the time being applicable to the total income of a company, and such sum shall be payable by the master of the ship, and a port-clearance shall not be granted to the ship until the Customs-collector, or other officer duly authorised to grant the same, is satisfied that the tax has been duly paid.

Adjustment.

44C. Nothing in this Chapter shall be deemed to prevent a principal from claiming, in any year following that in which any payment has been made on his behalf under this Chapter, that an assessment be made of his total income in the previous year, and that the tax payable on the basis thereof be determined in accordance with the other provisions of this Act, and, if he so claims, any such payment as aforesaid shall be treated as a payment in advance of the tax and the difference between the sum so paid, and the amount of tax found payable by him shall be paid by him or refunded to him, as the case may be.".

CALCUTTA : PRINTED BY SUPDT. GOVT. PRINTING, INDIA, 8, HASTINGS STREET.

NATIONAL ARCHIVES OF INDIA

ACT No. XXVIII OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 25th July, 1923.)

An Act to repeal the Acts which provide for the levy of a cess on indigo exported from British India.

WHEREAS it is expedient to repeal the Acts which provide for the levy of a cess on indigo exported from British India; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Indigo Cess (Repealing) Act, 1923.

(*2*) It shall come into force on the first day of August, 1923.

Repeal.

III of 1918. V of 1921.

2. The Indigo Cess Act, 1918, and the Indigo Cess (Amendment) Act, 1921, are hereby repealed.

[*Price one anna.*]

NATIONAL ARCHIVES OF INDIA

NATIONAL ARCHIVES OF INDIA

ACT No. XXIX OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 27th July, 1923.)

An Act further to amend the Code of Civil Procedure, 1908.

V of 1908. WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908; It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Code of Civil Procedure (Amendment) Act, 1923.

Amendment of rule 32 of Order XXI in Schedule I, Act V of 1908. **2.** In sub-rule (*1*) of rule 32 of Order XXI in the First Schedule to the Code of Civil Procedure, V of 1908. 1908 (hereinafter referred to as the said Order), after the word "enforced" the following shall be inserted, namely:—

> "in the case of a decree for restitution of conjugal rights by the attachment of his property or, in the case of a decree for the specific performance of a contract or for an injunction".

Amendment of rule 33 of Order XXI in Schedule I, Act V of 1908. **3.** In rule 33 of the said Order,—

(*a*) in sub-rule (*1*), after the words "passing a decree" the words "against a husband" shall be inserted, and for the words "shall not be executed by detention in prison" the words "shall be executed in the manner provided in this rule" shall be substituted; and

(*b*) in sub-rule (*2*), the words "and the decree-holder is the wife" shall be omitted.

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ACT No. XXX OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(*Received the assent of the Governor General on the 30th July, 1923.*)

An Act further to amend the Special Marriage Act, 1872.

III of 1872.

WHEREAS it is expedient further to amend the Special Marriage Act, 1872; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Special Marriage (Amendment) Act, 1923.

Amendment of preamble, Act III of 1872.

III of 1872.

2. In the preamble to the Special Marriage Act, 1872 (hereinafter referred to as the said Act), after the words "Jaina religion" the following words shall be inserted, namely:—

"and for persons who profess the Hindu, Buddhist, Sikh or Jaina religion".

Amendment of section 2, Act III of 1872.

3. In section 2 of the said Act, after the words "Jaina religion" the following words shall be inserted, namely:—

"or between persons each of whom professes one or other of the following religions, that is to say, the Hindu, Buddhist, Sikh or Jaina religion".

Addition of new sections to Act III of 1872.

4. After section 21 of the said Act the following sections shall be inserted, namely:—

Effect of certain marriages on coparcenary.

"22. The marriage under this Act of any member of an undivided family who professes the Hindu, Buddhist, Sikh or Jaina religion shall be deemed to effect his severance from such family.

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Rights of succession in certain cases of marriage under Act.

23. A person professing the Hindu, Buddhist, Sikh or Jaina religion who marries under this Act shall have the same rights and be subject to the same disabilities in regard to any right of succession to any property as a person to whom the Caste Disabilities Removal Act, 1850, applies: XXI of 1850.

Provided that nothing in this section shall confer on any person any right to any religious office or service, or to the management of any religious or charitable trust.

Succession to the property of parties married under Act.

24. Succession to the property of any person professing the Hindu, Buddhist, Sikh or Jaina religion who marries under this Act, and to the property of the issue of such marriage, shall be regulated by the provisions of the Indian Succession Act, 1865. X of 1865.

Person marrying under Act not to have right of adoption.

25. No person professing the Hindu, Buddhist, Sikh or Jaina religion who marries under this Act shall have any right of adoption.

Adoption by father of person marrying under Act.

26. When a person professing the Hindu, Buddhist, Sikh or Jaina religion marries under this Act, his father shall, if he has no other son living, have the right to adopt another person as a son under the law to which he is subject."

Amendment of Second Schedule to Act III of 1872.

5. In the Second Schedule to the said Act, after the words "Jaina religion" in both places where they occur, the following shall be inserted, namely:—

"*or (as the case may be)* I profess the Hindu, or the Buddhist, or the Sikh, or the Jaina religion".

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ACT No. XXXI OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(*Received the assent of the Governor General on the 31st July, 1923.*)

An Act to amend the Indian Territorial Force Act, 1920, and the Auxiliary Force Act, 1920, for certain purposes.

XLVIII of 1920. XLIX of 1920.

WHEREAS it is expedient to amend the Indian Territorial Force Act, 1920, and the Auxiliary Force Act, 1920, for certain purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Territorial and Auxiliary Forces (Amendment) Act, 1923.

XLVIII of 1920.

Amendment of section 11, Act XLVIII of 1920.

2. To section 11 of the Indian Territorial Force Act, 1920, the following sub-section shall be added, namely :—

VIII of 1911.

"(*3*) Where an offence punishable under the Indian Army Act, 1911, or, as the case may be, under that Act as modified under sub-section (*2*), has been committed by any person whilst subject to that Act under the provisions of this section, such person may be taken into and kept in military custody and tried and punished for such offence under that Act, although he has ceased to be so subject as aforesaid, in like manner as he might have been taken into and kept in military custody, tried or punished, if he had continued to be so subject :

Provided that no such person shall be kept in military custody after he has ceased to belong to the Indian Territorial Force, unless he has been taken into or kept in military custody on account of

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of the offence before the date on which he ceased so to belong, nor shall he be kept in military custody or be tried or punished for the offence after the expiry of two months from that date, unless his trial had already commenced before such expiry."

Amendment of section 21, Act XLIX of 1920.

3. Section 21 of the Auxiliary Force Act, 1920, XLIX of 1920. shall be re-numbered as sub-section (*1*) of section 21, and to that section as so re-numbered the following sub-section shall be added, namely :—

"(*2*) Where an offence punishable under the Army Act has been committed by any person whilst 44 & 45 Vict., c. 58. subject to that Act under the provisions of sub-section (*1*), such person may be taken into and kept in military custody and tried and punished for such offence, although he has ceased to be so subject as aforesaid, in like manner as he might have been taken into and kept in military custody, tried or punished if he had continued to be so subject :

Provided that no such person shall be kept in military custody after he has ceased to belong to the Auxiliary Force, India, unless he has been taken into or kept in military custody on account of the offence before the date on which he ceased so to belong, nor shall he be kept in military custody or be tried or punished for the offence after the expiry of two months from that date, unless his trial had already commenced before such expiry."

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ACT No. XXXII OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 31st July, 1923.)

An Act further to amend the Indian Lunacy Act, 1912.

IV of 1912.

WHEREAS it is expedient further to amend the Indian Lunacy Act, 1912; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Lunacy (Amendment) Act, 1923.

Amendment of section 20, Act IV of 1912.

IV of 1912.

2. To section 20 of the Indian Lunacy Act, 1912, the following proviso shall be added, namely :—

"Provided that no reception order shall continue to have effect—

(*a*) after the expiry of thirty days from the date on which it was made, unless the lunatic has been admitted to the place mentioned therein within that period, or

(*b*) after the discharge, under the provisions of this Act, of the lunatic from such place or from any asylum to which he may have been removed."

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ACT No. XXXIII OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 31st July, 1923.)

An Act further to amend the Indian Army Act, 1911, and the Indian Lunacy Act, 1912, for certain purposes.

VIII of 1911. IV of 1912.

WHEREAS it is expedient further to amend the Indian Army Act, 1911, and the Indian Lunacy Act, 1912, for certain purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Army (Amendment) Act, 1923.

VIII of 1911.

Amendment of section 7, Act VIII of 1911

2. In section 7 of the Indian Army Act, 1911 (hereinafter referred to as the said Act),—

(*a*) to clause (*1*) after the words "land forces" the following words shall be added, namely :—

"and includes, in relation to a person subject to this Act when serving under such conditions as may be prescribed, a person holding a commission in His Majesty's Air Force"; and

(*b*) in clause (*7*), after the words "Army Act" the words "or the Air Force Act" shall be added.

Amendment of section 91A, Act VIII of 1911.

3. To section 91A of the said Act the following sub-section shall be added, namely :—

"(*7*) Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to

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to Government upon any matter or thing duly submitted to him for examination or analysis and report may be used as evidence in any proceeding under this Act."

Insertion of new section 103A in Act VIII of 1911.

4. In Chapter VIII of the said Act, after section 103 the following section shall be inserted, namely :—

Provision in the case of accused being lunatic.

"103A. (*1*) Whenever, in the course of a trial by court-martial, it appears to the Court that the person charged is of unsound mind and consequently incapable of making his defence, or that such person committed the act alleged but was by reason of unsoundness of mind incapable of knowing the nature of the act or that it was wrong or contrary to law, the Court shall record a finding accordingly, and the President of the Court or the officer holding the trial, as the case may be, shall forthwith report the case to the confirming officer, or, in the case of a court-martial whose finding does not require confirmation, to the prescribed officer.

(*2*) A confirming officer to whom a case is reported under sub-section (*1*) may, if he does not confirm the finding, take steps to have the accused person tried by the same or another court-martial for the offence with which he was originally charged.

(*3*) A prescribed officer to whom a case is reported under sub-section (*1*) and a confirming officer confirming a finding in any case so reported to him shall order the accused person to be kept in custody in the prescribed manner, and shall report the case for the orders of the Governor General in Council.

(*4*) On receipt of a report under sub-section (*3*), the Governor General in Council may order the accused person to be detained in a lunatic asylum or other suitable place of safe custody.

(*5*) Where an accused person, having been found by reason of unsoundness of mind to be incapable of

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of making his defence, is in custody or under detention, the prescribed officer may—

(*a*) if such person is in custody under sub-section (*3*), on the report of a medical officer that he is capable of making his defence, or

(*b*) if such person is detained under-sub-section (*4*), on a certificate such as is referred to in section 473 of the Code of Criminal Procedure, 1898,

V of 1898.

take steps to have such person tried by the same or another court-martial for the offence with which he was originally charged or, provided that the offence is a civil offence, by a Criminal Court.

(*6*) A copy of every order made by the prescribed officer under sub-section (*5*) shall forthwith be sent to the Governor General in Council."

IV of 1912.

5. In the Indian Lunacy Act, 1912— Amendment of sections 3, 24, 30 and 35, Act IV of 1912.

(*a*) to clause (*4*) of section 3 after the figures "1900" the words and figures "or of section 103A of the Indian Army Act, 1911" shall be added;

VIII of 1911

(*b*) in section 24, after the figures "1900" the words and figures "or under section 103A of the Indian Army Act, 1911" shall be inserted;

(*c*) in sub-section (*1*) of section 30, after the figures "1898" the words and figures "or under the provisions of section 103A of the Indian Army Act, 1911" shall be inserted; and

(*d*) in sub-section (*2*) of section 35, after the figures "1898" the words and figures "or under section 103A of the Indian Army Act, 1911" shall be inserted.

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ACT No. XXXIV OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 31st July, 1923.)

An Act to amend the Cutchi Memons Act, 1920.

XLVI of 1920.

WHEREAS it is expedient to amend the Cutchi Memons Act, 1920; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Cutchi Memons (Amendment) Act, 1923.

XLVI of 1920.

Amendment of section 2, Act XLVI of 1920.

2. (*1*) Section 2 of the Cutchi Memons Act, 1920 (hereinafter referred to as the said Act), shall be re-numbered as sub-section (*1*) of section 2, and in that sub-section as re-numbered for the words "Any Cutchi Memon who—

(*a*) has attained the age of majority, and

(*b*) is resident in British India,"

the following shall be substituted, namely:—

"Any person who satisfies the prescribed authority—

(*a*) that he is a Cutchi Memon and is the person whom he represents himself to be;

(*b*) that he is competent to contract within the meaning of section 11 of the Indian Contract Act, 1872; and

IX of 1872.

(*c*) that he is resident in British India,".

(*2*) To

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(*2*) To the same section the following sub-section shall be added, namely:—

"(*2*) Where the prescribed authority refuses to accept a declaration under sub-section (*1*), the person desiring to make the same may appeal to such officer as the Local Government may, by general or special order, appoint in this behalf, and such officer may, if he is satisfied that the appellant is entitled to make the declaration, order the prescribed authority to accept the same."

Amendment of section 3, Act XLVI of 1920.

3. Sub-section (*2*) of section 3 of the said Act shall be re-numbered as sub-section (*3*), and for sub-section (*1*) of the same section the following sub-sections shall be substituted, namely:—

"(*1*) The Local Government may make rules to carry into effect the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(*a*) for prescribing the authority before whom and the form in which declarations under this Act shall be made;

(*b*) for prescribing the fees to be paid for the filing of declarations and for the attendance at private residences of any person in the discharge of his duties under this Act; and for prescribing the times at which such fees shall be payable and the manner in which they shall be levied."

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ACT No. XXXV OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(*Received the assent of the Governor General on the 31st July, 1923.*)

An Act further to amend the Code of Criminal Procedure, 1898.

WHEREAS it is expedient to give to mukhtars the right to practise in certain Criminal Courts and further to amend the Code of Criminal Procedure, 1898, for that purpose; It is hereby enacted as follows :—

V of 1898.

1. This Act may be called the Code of Criminal Procedure (Further Amendment) Act, 1923. Short title.

2. In clause (*r*) of sub-section (*1*) of section 4 of the Code of Criminal Procedure, 1898, after the words "means a pleader" the words "or a mukhtar" shall be inserted, and the words "mukhtar or" shall be omitted. Amendment of section 4, Act V of 1898.

V of 1898.

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ACT No. XXXVI OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(*Received the assent of the Governor General on the 3rd August, 1923.*)

An Act further to amend the Indian Paper Currency Act, 1923.

X-of 1923. WHEREAS it is expedient further to amend the Indian Paper Currency Act, 1923; It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Indian Paper Currency (Amendment) Act, 1923.

Amendment of section 18, Act X of 1923. **2.** To clause (*a*) of sub-section (*8*) of section 18 X of 1923. of the Indian Paper Currency Act, 1923 (hereinafter referred to as the said Act), after the word "purchased" the following words shall be added, namely:—

> "or, in the case of bullion obtained by melting down silver coin issued under the authority of the Governor General in Council, at the rate of one rupee for 165 grains troy of fine silver."

Amendment of section 19, Act X of 1923. **3.** To sub-section (*3*) of section 19 of the said Act the following *Explanation* shall be added, namely:—

> "*Explanation.*—For the purposes of this sub-section, the sum expended in the purchase of silver bullion obtained by melting down silver coin issued under the authority of the Governor General in Council shall be deemed to be the value of the bullion calculated at the rate of one rupee for 165 grains troy of fine silver."

Amendment of section 20, Act X of 1923. **4.** In section 20 of the said Act, for the word "fifty" the words "one hundred and twenty" shall be substituted.

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ACT No. XXXVII OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 3rd August, 1923.)

An Act further to amend the Code of Criminal Procedure, 1898, for certain purposes.

V of 1898.

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898, for certain purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Code of Criminal Procedure (Second Amendment) Act, 1923.

(*2*) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

V of 1898.

Amendment of section 364, Act V of 1898.

2. In section 364 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the said Code),—

(*a*) in sub-section (*3*) the words "unless he is a Presidency Magistrate," shall be omitted; and

(*b*) in sub-section (*4*), for the words and figures "or section 362, sub-section (*2A*)" the following shall be substituted, namely:—

"or in the course of a trial held by a Presidency Magistrate."

Substitution of new section for section 388, Act V of 1898.

3. For section 388 of the said Code the following section shall be substituted, namely:—

Suspension of execution of sentence of imprisonment.

"388. (*1*) When an offender has been sentenced to fine only and to imprisonment in default of payment

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ment of the fine, and the fine is not paid forthwith, the Court may—

(*a*) order that the fine shall be payable either in full on or before a date not more than thirty days from the date of the order, or in two or three instalments, of which the first shall be payable on or before a date not more than thirty days from the date of the order and the other or others at an interval or at intervals, as the case may be, of not more than thirty days, and

(*b*) suspend the execution of the sentence of imprisonment and release the offender, on the execution by the offender of a bond, with or without sureties, as the Court thinks fit, conditioned for his appearance before the Court on the date or dates on or before which payment of the fine or the instalments thereof, as the case may be, is to be made; and, if the amount of the fine or of any instalment, as the case may be, is not realised on or before the latest date on which it is payable under the order, the Court may direct the sentence of imprisonment to be carried into execution at once.

(*2*) The provisions of sub-section (*1*) shall be applicable also in any case in which an order for the payment of money has been made on non-recovery of which imprisonment may be awarded and the money is not paid forthwith; and, if the person against whom the order has been made, on being required to enter into a bond such as is referred to in that sub-section, fails to do so, the Court may at once pass sentence of imprisonment."

Amendment of section 562, Act V of 1898.

4. After sub-section (*1*) of section 562 of the said Code, the following sub-section shall be inserted, namely:—

Conviction and release with admonition.

"(*1A*) In any case in which a person is convicted of theft, theft in a building, dishonest misappropriation,

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XLV of 1860.

misappropriation, cheating or any offence under the Indian Penal Code punishable with not more than two years' imprisonment and no previous conviction is proved against him, the Court before whom he is so convicted may, if it thinks fit, having regard to the age, character, antecedents or physical or mental condition of the offender and to the trivial nature of the offence or any extenuating circumstances under which the offence was committed, instead of sentencing him to any punishment, release him after due admonition."

Amendment of Schedule V, Act V of 1898.

5. In Schedule V to the said Code, in Form XXXVIIA,—

(*a*) the words "until the day of ,, shall be omitted; and

(*b*) for the words "on that day;" and for the words "on the said day of next," and for the words "on the day of next;" the words "on the following date (*or* dates), namely :— " shall be substituted.

XVIII of 1923.

Repeal.

6. Sections 98 and 104 of the Code of Criminal Procedure (Amendment) Act, 1923, are hereby repealed.

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ACT No. XXXVIII OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 5th August, 1923.)

An Act further to amend the Land Acquisition Act, 1894, for certain purposes.

WHEREAS it is expedient further to amend the Land Acquisition Act, 1894, for certain purposes hereinafter appearing; It is hereby enacted as follows:— I of 1894.

1. (*1*) This Act may be called the Land Acquisition (Amendment) Act, 1923. Short title and commencement.

(*2*) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

2. In sub-section (*1*) of section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act), after the word "locality", where it first occurs, the words "is needed or" shall be inserted. I of 1894. Amendment of section 4, Act I of 1894.

3. After section 5 of the said Act the following heading and section shall be inserted, namely:— Insertion of new section 5A in Act I of 1894.

"*Objections.*

5A. (*1*) Any person interested in any land which has been notified under section 4, sub-section (*1*), as being needed or likely to be needed for a public purpose or for a Company may, within thirty days after the issue of the notification, object to the acquisition of the land or of any land in the locality, as the case may be. Hearing of objections.

(*2*) Every objection under sub-section (*1*) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard either

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either in person or by pleader and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, submit the case for the decision of the Local Government, together with the record of the proceedings held by him and a report containing his recommendations on the objections. The decision of the Local Government on the objections shall be final.

(*3*) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land were acquired under this Act."

Amendment of section 6, Act I of 1894.

4. In sub-section (*1*) of section 6 of the said Act, for the words " whenever it appears to the Local Government " the following shall be substituted, namely :—

" when the Local Government is satisfied, after considering the report, if any, made under section 5A, sub-section (*2*)."

Amendment of section 11, Act I of 1894.

5. In section 11 of the said Act, after the words " the value of the land," the words " at the date of the publication of the notification under section 4, sub-section (*1*) " shall be inserted.

Amendment of section 17, Act I of 1894.

6. To section 17 of the said Act the following sub-section shall be added, namely :—

" (*4*) In the case of any land to which, in the opinion of the Local Government, the provisions of sub-section (*1*) or sub-section (*2*) are applicable, the Local Government may direct that the provisions of section 5A shall not apply, and, if it does so direct, a declaration may be made under section 6 in respect of the land at any time after the publication of the notification under section 4, sub-section (*1*)."

Amendment of section 23, Act I of 1894.

7. In clause *first* of sub-section (*1*) of section 23 of the said Act, for the words " declaration relating thereto under section 6; " the words " notification under section 4, sub-section (*1*)," shall be substituted.

Amendment of section 24, Act I of 1894.

8. In clause *seventhly* of section 24 of the said Act, for the words " declaration under section 6 " the

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the words " notification under section 4, sub-section (*1*)," shall be substituted.

9. In sub-section (*1*) of section 40 of the said Act, after the word " satisfied," the words " either on the report of the Collector under section 5A, sub-section (*2*), or " shall be inserted. Amendment of section 40, Act I of 1894.

10. In section 41 of the said Act,— Amendment of section 41, Act I of 1894.

(*a*) the words " Such officer shall report to the Local Government the result of the inquiry, and," shall be omitted; and

(*b*) after the word " satisfied " the following words shall be inserted, namely:—

" after considering the report, if any, of the Collector under section 5A, sub-section (*2*), or on the report of the officer making an inquiry under section 40."

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ACT No. XXXIX OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(*Received the assent of the Governor General on the 5th August, 1923.*)

An Act further to amend the Indian Ports Act, 1908.

XV of 1908. WHEREAS it is expedient further to amend the Indian Ports Act, 1908; It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Indian Ports (Amendment) Act, 1923.

Amendment of section 6, Act XV of 1908. **2.** In sub-section (*1*) of section 6 of the Indian XV of 1908. Ports Act, 1908 (hereinafter referred to as the said Act), after clause (*e*) the following clause shall be inserted, namely:—

" (*ee*) for regulating the manner in which oil or water mixed with oil shall be discharged in any such port and for the disposal of the same;".

Amendment of section 21, Act XV of 1908. **3.** In section 21 of the said Act—

(*a*) to sub-section (*1*) after the word " land-floods " the following shall be added, namely:—

" and no oil or water mixed with oil shall be discharged in or into any such port, to which any rules made under clause (*ee*) of sub-section (*1*) of section 6 apply, otherwise than in accordance with such rules ";

(*b*) in sub-section (*2*)—

(*i*) after the words " such other thing " the words " or so discharges any oil or water mixed with oil " shall be inserted, and

(*ii*) for

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(*ii*) for the words " or thrown " the words " thrown or discharged " shall be substituted; and

(*c*) in sub-section (*3*)—

(*i*) after the words " such other thing " the words " or from so discharging any oil or water mixed with oil " shall be inserted, and

(*ii*) for the words " or throw it " the words " throw or discharge the same " shall be substituted; and

(*d*) in sub-section (*4*), after the words " thrown into " the words " or the oil or water mixed with oil is discharged in or into " shall be inserted.

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ACT No. XL of 1923.

[Passed by the Indian Legislature.]

(Received the assent of the Governor General on the 5th August, 1923.)

An Act further to amend the Indian Electricity Act, 1910.

WHEREAS it is expedient further to amend the Indian Electricity Act, 1910; It is hereby enacted as follows:— IX of 1910.

1. This Act may be called the Indian Electricity (Amendment) Act, 1923. Short title.

2. After section 29 of the Indian Electricity Act, 1910, the following section shall be inserted, namely:— IX of 1910. Insertion of new section 29A in Act IX of 1910.

"29A. The provisions of sub-sections (*3*) and (*4*) of section 18 and of the *Explanation* thereto shall apply in the case of any aërial line placed by any railway administration as defined in section 3 of the Indian Railways Act, 1890, as if references therein to the licensee were references to the railway administration." IX of 1890. Application of section 18 to aërial lines maintained by railways.

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[*Price one anna.*]

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ACT No. XLII OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 5th August, 1923.)

An Act to make provision for the better management of wakf property and for ensuring the keeping and publication of proper accounts in respect of such properties.

WHEREAS it is expedient to make provision for the better management of wakf property and for ensuring the keeping and publication of proper accounts in respect of such properties; It is hereby enacted as follows:—

Preliminary.

Short title, extent and commencement.

1. (*1*) This Act may be called the Mussalman Wakf Act, 1923;

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas;

(*3*) This section shall come into force at once; and

(*4*) The Local Government may, by notification in the local official Gazette, direct that the remaining provisions of this Act, or any of them which it may specify, shall come into force in the Province, or any specified part thereof, on such date as it may appoint in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "benefit" does not include any benefit which a mutwalli is entitled to claim solely

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solely by reason of his being such mutwalli;

(*b*) " Court " means the Court of the District Judge or, within the limits of the ordinary original civil jurisdiction of a High Court, such Court, subordinate to the High Court, as the Local Government may, by notification in the local official Gazette, designate in this behalf;

(*c*) " mutwalli " means any person appointed either verbally or under any deed or instrument by which a wakf has been created or by a Court of competent jurisdiction to be the mutwalli of a wakf, and includes a naib-mutwalli or other person appointed by a mutwalli to perform the duties of the mutwalli, and, save as otherwise provided in this Act, any person who is for the time being administering any wakf property;

(*d*) " prescribed " means prescribed by rules made under this Act; and

(*e*) " wakf " means the permanent dedication by a person professing the Mussalman faith of any property for any purpose recognised by the Mussalman law as religious, pious or charitable, but does not include any wakf, such as is described in section 3 of the Mussalman Wakf Validating Act, 1913, under which any benefit is for the time being claimable for himself by the person by whom the wakf was created or by any of his family or descendants. VI of 1913.

Statements of Particulars.

Obligation to furnish particulars relating to wakf.

3. (*1*) Within six months from the commencement of this Act every mutwalli shall furnish to the Court within the local limits of whose jurisdiction the

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the property of the wakf of which he is the mutwalli is situated or to any one of two or more such Courts, a statement containing the following particulars, namely :—

(*a*) a description of the wakf property sufficient for the identification thereof;

(*b*) the gross annual income from such property;

(*c*) the gross amount of such income which has been collected during the five years preceding the date on which the statement is furnished, or of the period which has elapsed since the creation of the wakf, whichever period is shorter;

(*d*) the amount of the Government revenue and cesses, and of all rents, annually payable in respect of the wakf property;

(*e*) an estimate of the expenses annually incurred in the realisation of the income of the wakf property, based on such details as are available of any such expenses incurred within the period to which the particulars under clause (*c*) relate;

(*f*) the amount set apart under the wakf for—

(*i*) the salary of the mutwalli and allowances to individuals;

(*ii*) purely religious purposes;

(*iii*) charitable purposes;

(*iv*) any other purposes; and

(*g*) any other particulars which may be prescribed.

(*2*) Every such statement shall be accompanied by a copy of the deed or instrument creating the wakf or, if no such deed or instrument has been executed or a copy thereof cannot be obtained shall contain full particulars, as far as they are known to the

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the mutwalli, of the origin, nature and objects of the wakf.

(*3*) Where—

(*a*) a wakf is created after the commencement of this Act, or

(*b*) in the case of a wakf such as is described in section 3 of the Wakf Validating Act, 1913, the person creating the wakf or any member of his family or any of his descendants is at the commencement of this Act alive and entitled to claim any benefit thereunder, VI of 1913.

the statement referred to in sub-section (*1*) shall be furnished, in the case referred to in clause (*a*), within six months of the date on which the wakf is created or, if it has been created by a written document, of the date on which such document is executed, or, in the case referred to in clause (*b*), within six months of the date of the death of the person entitled to such benefit as aforesaid, or of the last survivor of any such persons, as the case may be.

Publication of particulars and requisition of further particulars.

4. (*1*) When any statement has been furnished under section 3, the Court shall cause notice of the furnishing thereof to be affixed in some conspicuous place in the Court-house and to be published in such other manner, if any, as may be prescribed, and thereafter any person may apply to the Court by a petition in writing, accompanied by the prescribed fee, for the issue of an order requiring the mutwalli to furnish further particulars or documents.

(*2*) On such application being made, the Court may, after making such inquiry, if any, as it thinks fit, if it is of opinion that any further particulars or documents are necessary in order that full information may be obtained regarding the origin, nature or objects of the wakf or the condition or management of the wakf property, cause to be served on the mutwalli an order requiring him to furnish such particulars or documents within such time as the Court may direct in the order.

Statement

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Statement of Accounts, and Audit.

Statement of accounts.

5. Within three months after the thirty-first day of March next following the date on which the statement referred to in section 3 has been furnished, and thereafter within three months of the thirty-first day of March in every year, every mutwalli shall prepare and furnish to the Court to which such statement was furnished a full and true statement of accounts, in such form and containing such particulars as may be prescribed, of all moneys received or expended by him on behalf of the wakf of which he is the mutwalli during the period of twelve months ending on such thirty-first day of March or, as the case may be, during that portion of the said period during which the provisions of this Act have been applicable to the wakf:

Provided that the Court may, if it is satisfied that there is sufficient cause for so doing, extend the time allowed for the furnishing of any statement of accounts under this section.

Audit of account.

6. Every statement of accounts shall, before it is furnished to the Court under section 5, be audited—

(*a*) in the case of a wakf the gross income of which during the year in question, after deduction of the land-revenue and cesses, if any, payable to the Government, exceeds two thousand rupees, by a person who is the holder of a certificate granted by the Local Government under section 144 of the Indian Companies Act, 1913, or is a member of any institution or association the members of which have been declared under that section to be entitled to act as auditors of companies throughout British India; or

VII of 1913.

(*b*) in the case of any other wakf, by any person authorised in this behalf by general or special order of the said Court.

General

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the mutwalli, of the origin, nature and objects of the wakf.

(*3*) Where—

(*a*) a wakf is created after the commencement of this Act, or

(*b*) in the case of a wakf such as is described in section 3 of the Wakf Validating Act, 1913, the person creating the wakf or any member of his family or any of his descendants is at the commencement of this Act alive and entitled to claim any benefit thereunder, VI of 1913.

the statement referred to in sub-section (*1*) shall be furnished, in the case referred to in clause (*a*), within six months of the date on which the wakf is created or, if it has been created by a written document, of the date on which such document is executed, or, in the case referred to in clause (*b*), within six months of the date of the death of the person entitled to such benefit as aforesaid, or of the last survivor of any such persons, as the case may be.

Publication of particulars and requisition of further particulars.

4. (*1*) When any statement has been furnished under section 3, the Court shall cause notice of the furnishing thereof to be affixed in some conspicuous place in the Court-house and to be published in such other manner, if any, as may be prescribed, and thereafter any person may apply to the Court by a petition in writing, accompanied by the prescribed fee, for the issue of an order requiring the mutwalli to furnish further particulars or documents.

(*2*) On such application being made, the Court may, after making such inquiry, if any, as it thinks fit, if it is of opinion that any further particulars or documents are necessary in order that full information may be obtained regarding the origin, nature or objects of the wakf or the condition or management of the wakf property, cause to be served on the mutwalli an order requiring him to furnish such particulars or documents within such time as the Court may direct in the order.

Statement

NATIONAL ARCHIVES OF INDIA

Statement of Accounts, and Audit.

Statement of accounts.

5. Within three months after the thirty-first day of March next following the date on which the statement referred to in section 3 has been furnished, and thereafter within three months of the thirty-first day of March in every year, every mutwalli shall prepare and furnish to the Court to which such statement was furnished a full and true statement of accounts, in such form and containing such particulars as may be prescribed, of all moneys received or expended by him on behalf of the wakf of which he is the mutwalli during the period of twelve months ending on such thirty-first day of March or, as the case may be, during that portion of the said period during which the provisions of this Act have been applicable to the wakf:

Provided that the Court may, if it is satisfied that there is sufficient cause for so doing, extend the time allowed for the furnishing of any statement of accounts under this section.

Audit of account.

6. Every statement of accounts shall, before it is furnished to the Court under section 5, be audited—

(*a*) in the case of a wakf the gross income of which during the year in question, after deduction of the land-revenue and cesses, if any, payable to the Government, exceeds two thousand rupees, by a person who is the holder of a certificate granted by the Local Government under section 144 of the Indian Companies Act, 1913, or is a member of any institution or association the members of which have been declared under that section to be entitled to act as auditors of companies throughout British India; or

VII of 1913.

(*b*) in the case of any other wakf, by any person authorised in this behalf by general or special order of the said Court.

General

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General Provisions.

Mutwalli entitled to pay cost of audit, etc., from wakf funds.

7. Notwithstanding anything contained in the deed or instrument creating any wakf, every mutwalli may pay from the income of the wakf property any expenses properly incurred by him for the purpose of enabling him to furnish any particulars, documents or copies under section 3 or section 4 or in respect of the preparation or audit of the annual accounts for the purposes of this Act.

Verification.

8. Every statement of particulars furnished under section 3 or section 4, and every statement of accounts furnished under section 5, shall be written in the language of the Court to which it is furnished, and shall be verified in the manner provided in the Code of Civil Procedure, 1908, for the signing and verification of pleadings. V of 1908.

Inspection and copies.

9. Any person shall, with the permission of the Court and on payment of the prescribed fee, at any time at which the Court is open, be entitled to inspect in the prescribed manner, or to obtain a copy of, any statement of particulars or any document furnished to the Court under section 3 or section 4, or any statement of accounts furnished to it under section 5, or any audit report made on an audit under section 6.

Penalty.

Penalties.

10. Any person who is required by or under section 3 or section 4 to furnish a statement of particulars or any document relating to a wakf, or who is required by section 5 to furnish a statement of accounts, shall, if he, without reasonable cause the burden of proving which shall lie upon him, fails to furnish such statement or document, as the case may be, in due time, or furnishes a statement which he knows or has reason to believe to be false, misleading or untrue in any material particular, or, in the case of a statement of accounts, furnishes a statement which has not been audited in the manner required by section 6, be punishable with fine which may extend to five hundred rupees, or, in the case of

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of a second or subsequent offence, with fine which may extend to two thousand rupees.

Rules.

11. (*1*) The Local Government may, after previous publication, by notification in the local official Gazette, make rules to carry into effect the purposes of this Act. Power to make rules.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the additional particulars to be furnished by mutwallis under clause (*g*) of sub-section (*1*) of section 3;

(*b*) the fees to be charged upon applications made to a Court under sub-section (*1*) of section 4;

(*c*) the form in which the statement of accounts referred to in section 5 shall be furnished, and the particulars which shall be contained therein;

(*d*) the powers which may be exercised by auditors for the purpose of any audit referred to in section 6, and the particulars to be contained in the reports of such auditors;

(*e*) the fees respectively chargeable on account of the allowing of inspections and of the supply of copies under section 9;

(*f*) the safe custody of statements, audit reports and copies of deeds or instruments furnished to Courts under this Act; and

(*g*) any other matter which is to be or may be prescribed.

12. Nothing in this Act shall— Savings.

(*a*) affect any other enactment for the time being in force in British India providing for the

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the control or supervision of religious or charitable endowments; or

(*b*) apply in the case of any wakf the property of which—

(*i*) is being administered by the Treasurer of Charitable Endowments, the Administrator General, or the Official Trustee; or

(*ii*) is being administered either by a receiver appointed by any Court of competent jurisdiction, or under a scheme for the administration of the wakf which has been settled or approved by any Court of competent jurisdiction or by any other authority acting under the provisions of any enactment.

Exemption.

13. The Local Government may, by notification in the local official Gazette, exempt from the operation of this Act or of any specified provision thereof any wakf or wakfs created or administered for the benefit of any specified section of the Mussalman community.

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ACT No. XLIII of 1923.

[Passed by the Indian Legislature.]

(*Received the assent of the Governor General on the 1st October, 1923.*)

An Act further to amend the Indian Stamp Act, 1899.

II of 1899. WHEREAS it is expedient further to amend the Indian Stamp Act, 1899; It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Indian Stamp (Amendment) Act, 1923.

Amendment of Schedule I, Act II of 1899. **2.** In Schedule I to the Indian Stamp Act, II of 1899. 1899,—

(*i*) In each of the following Articles, namely, No. 19, No. 36, No. 37 and No. 52, in the second column, for the words "One anna" the words "Two annas" shall be substituted;

(*ii*) In Article No. 47—

(*a*) in Division B, in the first column, for the words "Fire-Insurance" the words "Fire-Insurance and other classes of Insurance, not elsewhere included in this Article, covering goods, merchandise, personal effects, crops, and other property against loss or damage;" and

(*b*) in Division E, in the first column, for the words "of sea-insurance or a policy of fire-insurance" the words "of the nature specified in Division A or Division B of this Article"

shall be substituted;

(*iii*) For

[*Price one anna and three pies.*]

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(*iii*) For Article No. 49 the following shall be substituted, namely :—

" Promissory note [as defined by section 2 (*22*)]—

(*a*) when payable on demand—	
(*i*) when the amount or value does not exceed Rs. 250;	One anna.
(*ii*) when the amount or value exceeds Rs. 250 but does not exceed Rs. 1,000;	Two annas.
(*iii*) in any other case	Four annas.
(*b*) when payable otherwise than on demand.	The same duty as a Bill of Exchange (No. 13) for the same amount payable otherwise than on demand."

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